

Status: This version of this contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces (Pensions and Compensation) Act 2004, Paragraph 10. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS TO PENSIONS APPEAL TRIBUNALS ACT 1943

PROSPECTIVE

- 10 (1) The Schedule (constitution, jurisdiction and procedure of Pensions Appeal Tribunals) is amended as follows.
- (2) In paragraph 5 (rules about practice and procedure of Tribunals), after sub-paragraph (3) there is inserted—
- “(3A) Such rules may make provision with respect to—
- (a) the correction of accidental errors in any decision or record of a decision of the Tribunal under this Act; and
 - (b) the setting aside of any such decision in a case where it appears just to set the decision aside on the ground that—
 - (i) additional evidence is available;
 - (ii) a document relating to the proceedings in which the decision was given was not sent to, or was not received at an appropriate time by, a party to the proceedings or a party’s representative or was not received at an appropriate time by the Tribunal; or
 - (iii) a party to the proceedings or a party’s representative was not present at a hearing related to the proceedings.
- Nothing in this sub-paragraph shall be construed as derogating from any power to correct errors or set aside decisions which is exercisable apart from rules made by virtue of this sub-paragraph.
- (3B) Such rules may make provision with respect to the rehearing of an appeal where a decision has been set aside under rules made by virtue of sub-paragraph (3A)(b) above.
- (3C) Rules under this Schedule may—
- (a) make provision with respect to the striking out or reinstatement of proceedings before the Tribunal;
 - (b) provide that where an appeal to the Tribunal under this Act is struck out in pursuance of such rules no further appeal under this Act shall be brought in respect of the matters to which the struck-out appeal related except with leave given in pursuance of such rules.”
- (3) In paragraph 6 (appeal by person resident in Scotland or Northern Ireland), after “Any appeal” there is inserted “ to the Tribunal ”.

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- (4) In paragraph 6A (appeal by person resident outside the United Kingdom), after “an appeal” there is inserted “ to the Tribunal ”.
- (5) After that paragraph there is inserted—
- “6B Where it appears convenient to do so by reason of a subsequent change of residence by the person who brought the appeal, the Tribunal seised of an appeal may direct that it be transferred to a Tribunal appointed for another part of the United Kingdom.”

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