SCHEDULE 4 – Other functions of the Lord Chancellor and organisation of the courts Document Generated: 2024-06-26

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Pensions Appeal Tribunals Act 1943 (c. 39) is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

# SCHEDULES

## **SCHEDULE 4**

OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

## PART 1

#### **AMENDMENTS**

Pensions Appeal Tribunals Act 1943 (c. 39)

The Pension Appeal Tribunals Act 1943 is amended as follows.

F1......

## **Textual Amendments**

- F1 Sch. 4 para. 25 repealed (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, Sch. 3 para. 228(m)
- Omit section 13 (application to Scotland).
- Omit section 14 (application to Northern Ireland).
- 28 (1) The Schedule (constitution, jurisdiction and procedure of Tribunals) is amended as follows.
  - (2) For paragraph 1 substitute—
    - "1 (1) There shall be constituted in England and Wales such number of Pensions Appeal Tribunals as the Lord Chancellor may from time to time determine; and they shall sit at such times and in such places as he may from time to time determine.
      - (2) There shall be constituted in Scotland such number of Pensions Appeal Tribunals as the Lord President of the Court of Session may from time to time determine; and they shall sit at such times and in such places as he may from time to time determine.
      - (3) There shall be constituted in Northern Ireland such number of Pensions Appeal Tribunals as the Lord Chancellor may from time to time determine; and they shall sit at such times and in such places as he may from time to time determine.
      - (4) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before exercising any functions under sub-paragraph (1).
      - (5) The Lord Chancellor must consult the Lord Chief Justice of Northern Ireland before exercising any functions under sub-paragraph (3)."

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- (3) In paragraph 2 (membership)—
  - (a) in sub-paragraph (1) for "appointed by the Lord Chancellor" substitute "appointed—
    - (a) in relation to England and Wales, by the Lord Chancellor;
    - (b) in relation to Scotland, by the Lord President of the Court of Session;
    - (c) in relation to Northern Ireland, by the Lord Chancellor";
  - (b) in sub-paragraph (2A) for "sub-paragraphs (3)" substitute "sub-paragraphs (3A), (3B)";
  - (c) for sub-paragraph (3) substitute—
    - "(3A) The Lord Chancellor may, with the concurrence of the Lord Chief Justice of England and Wales, remove any member of a Tribunal appointed under sub-paragraph (1)(a).
      - (3B) The Lord President of the Court of Session may remove any member of a Tribunal appointed under sub-paragraph (1)(b).";
  - $(d) \quad ^{F2}.....$
- (4) In paragraph 2A (persons to be appointed to Tribunals)—
  - (a) in sub-paragraph (1) for the words from "The Lord Chancellor" to "paragraph 2 above" substitute "Any person making appointments under paragraph 2 shall ensure that the appointments";
  - (b) in sub-paragraph (4) for the words from "In making" to "the Lord Chancellor" substitute " It shall be the duty of any person making an appointment under paragraph 2".
- (5) In paragraph 2B (President and Deputy President of Pension Appeal Tribunals), in sub-paragraph (2)(c) for "Lord Chief Justice of Northern Ireland" substitute "Lord Chancellor".
- (6) In paragraph 5 (rules)—
  - (a) in sub-paragraph (1) for "the Lord Chancellor may make rules" substitute "rules may be made ";
  - (b) for "Lord Chancellor" in the second place substitute "person making them";
  - (c) after sub-paragraph (1) insert—
    - "(1A) Such rules are to made by the following person—
      - (a) if the rules relate to England and Wales, by the Lord Chancellor;
      - (b) if the rules relate to Scotland, by the Lord President of the Court of Session;
      - (c) if the rules relate to Northern Ireland, by the Lord Chief Justice of Northern Ireland.";
  - (d) in sub-paragraph (4)(b) after "Lord Chancellor" insert ", or in relation to Scotland by the Lord President of the Court of Session, in either case".
- (7) Before paragraph 8 insert—
  - "7B (1) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under paragraph 1.

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- (2) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under any of the provisions listed in sub-paragraph (3).
- (3) Those provisions are—
  - (a) paragraph 3C(2)(b);
  - (b) paragraph 5(1A)(b).
- (4) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under any of the provisions listed in subparagraph (5)—
  - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).
- (5) Those provisions are—
  - (a) paragraph 1;
  - (b) paragraph 3C(2)(c);
  - (c) paragraph 5(1A)(c)."

# **Textual Amendments**

**F2** Sch. 4 para. 28(3)(d) repealed (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9, **Sch. 3 para. 228(m)** 

# **Changes to legislation:**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters: Whole provisions yet to be inserted into this Act (including any effects on those provisions):

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- s. 132(4A) words substituted by 2015 c. 2 s. 83(1)
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- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(2)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(3)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(4)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(6)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(8)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(9)
- Sch. 7 para. 4Pt. A words inserted by 2007 c. 15 s. 144(10)(a)
- Sch. 7 para. 4Pt. A words substituted by 2007 c. 15 s. 144(10)(b)