SCHEDULE

Constitution, Jurisdiction and Procedure of Pensions Appeal Tribunal

5 (1) Subject as aforesaid, **[**[F1]rules may be made**]** with respect to—

(a) the manner of hearing of appeals by **[**[F2]Tribunals**]** and in particular appeals in cases where the appellant owing to illness or other cause is not present at the hearing;

(b) the mode of proof and admissibility of evidence;

(c) the representation of the appellant and the Minister at the hearing;

(d) the recording and proof of the decisions of the Tribunals;

and such other matters relating to the practice and procedure of the Tribunals as the **[**[F3]person making them**]** thinks fit.

[[F4](1A) Such rules are to made by the following person—

(a) [F5]. . . . . .

(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.**]**

(2) Such rules shall provide for the disclosure of all such documents (whether in the possession of a government department or not) as are necessary for disposing fairly of the appeal, subject to such exceptions and conditions as the rules may prescribe in the public interest, and shall provide for making available to the appellant copies of all documents produced to the Tribunal in connection with the appeal except where the Tribunal considers it undesirable in the interests of the appellant.

(3) Such rules may provide for the taking of medical and other expert advice by the Tribunals but shall require that such advice shall be disclosed to the appellant except where the Tribunal considers it undesirable in the interests of the appellant.

[[F6](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.**]**

(4) Such rules shall provide for the payment by the Tribunal of:—

[F7](a) . . . . . .

[[F8](b) sums, in respect of expenses, allowances and fees connected with appeals to the Tribunal, to such persons and in such circumstances as are specified in the rules and of such amounts as are determined by the Lord Chancellor **[**[F9], or in relation to Scotland by the Lord President of the Court of Session, in either case**]** with the consent of **[**[F10]the Treasury**]**; [F11]. . .

(c) [F11]. . . . . .

(5) All such rules shall be laid before Parliament as soon as may be after they are made, and if either House, within the period of forty days beginning with the day on which any such rules are laid before it, resolves that the rules be annulled, they shall thenceforth become void, but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

[F12]. . . . . [F12]. . . . . .**]**

Textual Amendments

F1 Words in Sch. para. 5(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, 148, **Sch. 4 para. 28(6)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(d)

F2 Words in Sch. para. 5(1)(a) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 21(8)(a)**

F3 Words in Sch. para. 5 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, 148, **Sch. 4 para. 28(6)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(d)

F4 Sch. para. 5(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, 148, **Sch. 4 para. 28(6)(c)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(d)

F5 Sch. para. 5(1A)(a) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 21(8)(b)**

F6 Sch. para. 5(3A)-(3C) inserted (6.4.2005) by Armed Forces (Pensions and Compensation) Act 2004 (c. 32), ss. 5, 8, **Sch. 1 para. 10(2)**; S.I. 2005/356, **art. 2(2)**, Sch. 2

F7 Para. 5(4)(a) repealed by Administration of Justice Act 1977 (c. 38), **Sch. 5 Pt. II**

F8 Sch. para. 5(4)(*b*)substituted by Social Security Act 1980 (c. 30, SIF 113:1), **s. 16(6)**

F9 Words in Sch. para. 5(4)(b) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, 148, **Sch. 4 para. 28(6)(d)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(d)

F10 Words substituted by virtue of S.I. 1981/1670, **arts. 2(1)**(*c*), 3(5)

F11 Sch. para. 5(4)(c) and preceding word repealed (6.4.2005) by Armed Forces (Pensions and Compensation) Act 2004 (c. 32), ss. 7, 8, **Sch. 3**; S.I. 2005/356, **art. 2(2)**, Sch. 2

F12 Words in Sch. para. 5(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), ss. 1(1), 2(1), **Sch. 1 Pt. 11**

Changes to legislation:
There are currently no known outstanding effects for the Pensions Appeal Tribunals Act 1943, Paragraph 5.