

## SCHEDULE 6

### DECISIONS AND APPEALS

#### *The Pensions Act*

**12.—**(1) Section 163 of the Pensions Act (application of general provisions relating to administration of social security) is amended as follows.

(2) In subsection (2), at the end there is inserted—

“section 156A (payment of travelling expenses by Inland Revenue).”.

(3) Subsection (3) is omitted.

**13.—**(1) Section 166(1) of that Act (questions arising in proceedings) is amended as follows.

(2) In subsection (1), for the words from “any such question” to “Department” there is substituted “any relevant decision as defined by section 165(3) is made by the Inland Revenue, the decision”.

(3) For subsections (2) and (3) there is substituted—

“(2) If—

- (a) any such decision is necessary for the determination of the proceedings, and
- (b) the decision of the Inland Revenue has not been obtained or an application with respect to the decision has been made under Article 8 or 9 of the Social Security (Northern Ireland) Order 1998,

the decision shall be referred to the Inland Revenue to be made in accordance (subject to any necessary modifications) with Chapter II of Part II of that Order.

(3) Subsection (1) does not apply where, in relation to the decision—

- (a) an appeal has been brought but not determined,
- (b) an application for leave to appeal has been made but not determined,
- (c) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired, or
- (d) an application has been made under Article 8 or 9 of that Order.

(4) In a case falling within subsection (3) the court shall adjourn the proceedings until such time as the final decision is known and that decision shall be conclusive for the purposes of the proceedings.”.

**14.** After section 166 of that Act there is inserted—

#### **“Reports by Inland Revenue.**

**166A.—**(1) The Inland Revenue shall prepare, either annually or at such times or intervals as may be prescribed, a report on the standards achieved by their officers in the making of decisions against which, by virtue of section 165(6), an appeal lies to an appeal tribunal constituted under Chapter I of Part II of the Social Security (Northern Ireland) Order 1998.

(2) Any report under this section—

- (a) may be included in any annual report by the Inland Revenue of which a copy is laid before each House of Parliament, or

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(1) Section 166 was amended by paragraph 61 of Schedule 3 to the Pensions (Northern Ireland) Order 1995.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) may be annexed to any report of the Secretary of State under section 81 of the Social Security Act 1998<sup>(2)</sup>.
- (3) A copy of every report under this section shall be laid before each House of Parliament unless the report is included in, or annexed to, a report of which a copy is so laid.”.

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(2) 1998 c. 14.