
STATUTORY INSTRUMENTS

2010 No. 2653

The Tribunal Procedure (Amendment No. 3) Rules 2010

Amendment to the Tribunal Procedure (War Pensions and Armed Forces Compensation Chamber) Rules 2008

7.—(1) The Tribunal Procedure (War Pensions and Armed Forces Compensation Chamber) Rules 2008⁽¹⁾ are amended as follows.

(2) For rule 1(2) (application), substitute—

“(2) These Rules apply to proceedings before the War Pensions and Armed Forces Compensation Chamber of the First-tier Tribunal.”.

(3) In rule 8(8) (striking out a party’s case) at the end, insert “and may summarily determine any or all issues against that respondent”.

(4) For rule 22 (lapse of cases) substitute—

“Lapse of cases

22.—(1) If the decision maker revises the decision challenged—

- (a) the appeal shall proceed, subject to paragraph (2), as if it had been brought in relation to the revised decision; and
- (b) the notice of the revised decision sent by the decision maker to the appellant must include a statement of the action that the appellant must take under paragraph (2) in order to prevent the appeal from lapsing.

(2) The appeal against the revised decision shall lapse if, within 42 days of the date on which the decision maker sends notice of the revised decision to the appellant, the appellant does not provide to the decision maker—

- (a) representations in writing in relation to the revised decision; or
- (b) a statement in writing that the appellant wishes the appeal to proceed but has no additional representations to make in relation to the revised decision.

(3) If the decision maker has already sent or delivered a response to the Tribunal under rule 23 (responses and replies), any document which must be provided under this rule (including notice of the revised decision) must also be provided by the decision maker to the Tribunal.”.