SCOTTISH STATUTORY INSTRUMENTS

2005 No. 152

PENSIONS

The Pensions Appeal Tribunals (Scotland) (Amendment) Rules 2005

Made - - - -	*15th March 2005*
Laid before the Scottish Parliament - - - -	*16th March 2005*
Coming into force - -	*6th April 2005*

The Lord President of the Court of Session, in exercise of the powers conferred on him by paragraph 5 of the Schedule to, and read along with section 13 of, the Pensions Appeal Tribunals Act 1943(**1**), and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(**2**), hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Pensions Appeal Tribunals (Scotland) (Amendment) Rules 2005 and shall come into force on 6th April 2005.

(2) A reference in these Rules to any rule by number alone means the rule so numbered in the Pensions Appeal Tribunals (Scotland) Rules 1981(**3**).

Transitional provisions

2.—(1) These Rules apply to appeals to the Pensions Appeal Tribunal where the decision disposing of the appeal is made on or after the date on which these Rules come into force.

(2) For all other purposes, the Pensions Appeal Tribunals (Scotland) Rules 1981 shall have effect as if these Rules had not been made.

Amendment of the Pensions Appeal Tribunals (Scotland) Rules 1981

3. In rule 2(1)—

(a) after sub paragraph (d) insert—

(**1**) 1943 c. 39; paragraph 5 of the Schedule was amended by the Administration of Justice Act 1977 (c. 38), Schedule 5, part II, and by the Social Security Act 1980 (c. 30), section 16(6) and is to be read with the Scotland Act 1998 (c. 46), section 118(3); section 13 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 20.

(**2**) 1992 c. 53.

(**3**) S.I. 1981/500, amended by S.I. 1986/373, 1998/1225 and S.S.I. 2001/410.

"(da) "chairman" means the person who is the chairman of, or who constitutes, the tribunal hearing the appeal;

(db) "decision notice" means the the record of the decision of the tribunal prepared in accordance with rule 18(1)(a);";

(b) omit sub paragraph (k);

(c) after sub paragraph (kk) insert—

"(kl) "statement of reasons" means the record of the reasons for the reasons for the tribunal's decision prepared in accordance with rule 18(1)(b);";

4. After rule 2(1) insert—

"(1A) For the purposes of these Rules, a Commissioner is to be known as a "Pensions Appeal Commissioner" when dealing with applications or appeals under the Act.

(1B) Unless the context otherwise requires, where the Secretary of State has made provision under section 1(3) of the Armed Forces (Pension and Compensation) Act 2004(**4**) for an armed and reserve forces compensation scheme to be administered by another person, a reference in these Rules to the Secretary of State shall be construed as if it were a reference to that other person.".

5. Rule 16, for "the Court of Session" substitute "a Commissioner".

6. For rule 18 substitute—

"**Decisions of the tribunal**

18.—(1) The chairman shall record—

(a) a summary of every decision of the tribunal; and

(b) a statement of the reasons for the tribunal's decision.

(2) The decision notice and statement for reasons specified in paragraph (1) shall be in such written form as shall have been approved by the President and shall be signed by the chairman.

(3) As soon as reasonably practicable after an appeal has been decided by a tribunal, a copy of the decision notice shall, and a copy of the statement of reasons may, be sent or given to each party to the proceedings, who shall also be informed of–

(a) where applicable, his right to make an application under paragraph (4); and

(b) the conditions governing appeals to a Commissioner.

(4) If a party to the proceedings has not been sent or given a copy of the statement of reasons in accordance with paragraph (3), he may apply in writing to the Pensions Appeal Office for a copy within six weeks of the date on which the decision notice was sent or given to him.

(5) Following an application under paragraph (4), the statement of reasons shall be sent to each party to the proceedings as soon as may be practicable.".

7. For rule 19 substitute—

(**4**) 2004 c. 32.