Draft Regulations laid before Parliament under section 5A(3) of the Pensions Appeal Tribunals Act 1943 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

PENSIONS

The Pensions Appeal Tribunals (Additional Rights of Appeal) Regulations 2001

Made - - - -	*2001*
Coming into force - -	*9th April 2001*

Whereas a draft of this Instrument was laid before Parliament in accordance with section 5A(3) of the Pensions Appeal Tribunals Act 1943(**1**) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred on him by section 5A(2) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Pensions Appeal Tribunals (Additional Rights of Appeal) Regulations 2001, and shall come into force on 9th April 2001.

2. In these Regulations—

"the Act" means the Pensions Appeal Tribunals Act 1943;

"the Civilians Scheme" means the Personal Injuries (Civilians) Scheme 1983(**2**);

"the commencement date" means 9th April 2001;

"the Service Pensions Order" means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983(**3**);

"decision" means a decision notified by the Secretary of State on or after the commencement date;

"specified decision" means a decision specified for the purposes of section 5A of the Act; and

any reference to a numbered Schedule is a reference to the Schedule so numbered in these Regulations.

(**1**) 1943 c. 39. Section 5A was inserted by section 57 of the Child Support, Pensions and Social Security Act 2000 (c. 19).
(**2**) S.I.1983/686.
(**3**) S.I. 1983/883.

New appeal rights: the Service Pensions Order

3.—(1) Each decision—

(a) which is made in exercise of any provision of the Service Pensions Order listed in Schedule 1; and

(b) which—

(i) refuses or discontinues an award;

(ii) establishes or varies the amount of an award; or

(iii) establishes or varies the date from which an award has effect,

shall be a specified decision.

(2) Any decision as to the amount to be deducted from an award by virtue of any of the following provisions of the Service Pensions Order—

(a) article 55 (adjustment of awards in respect of other compensation);

(b) article 59 (abatement of awards in respect of social security benefits); or

(c) article 60 (payment of public claims out of pensions),

shall be a specified decision.

New appeal rights: the Civilians Scheme

4.—(1) Each decision:

(a) which is made in exercise of any provision of the Civilians Scheme listed in Schedule 2; and

(b) which—

(i) refuses or discontinues an award;

(ii) establishes or varies the amount of an award; or

(iii) establishes or varies the date from which an award has effect,

shall be a specified decision.

(2) Any decision as to the amount to be deducted from an award by virtue of any of the following provisions of the Civilians Scheme—

(a) article 62 (prevention of double payments);

(b) article 63 (adjustment of awards in respect of other compensation);

(c) article 65 (abatement of awards in respect of social security benefits); or

(d) article 66 (payment of public claims out of pensions),

shall be a specified decision.

Signed by authority of the Secretary of State for Social Security.

Parliamentary Under-Secretary of State,
2001 Department of Social Security

SCHEDULE 1

Regulation 3

THE SERVICE PENSIONS ORDER: LIST OF PROVISIONS

Article	
6	(Serious negligence or misconduct);
12	(Allowances for eligible members of the family);(**4**)
13	(Education allowance);(**5**)
14	(Constant attendance allowance);
15	(Exceptionally severe disablement allowance);
16	(Severe disablement occupational allowance);
17	(Allowance for wear and tear of clothing);(**6**)
18	(Unemployability allowances);(**7**)
19	(Invalidity allowance);
20	(Comforts allowance);
21	(Allowance for lowered standard of occupation);(**8**)
22	(Age allowance);
23	(Treatment allowances);(**9**)
24	(Allowance where abstention from work is necessary following treatment in a hospital or similar institution);(**10**)
25	(Allowance for part-time treatment);
26A	(Mobility supplement);(**11**)
29(1A)	(Supplementary pension for widow of a member of the armed forces whose service terminated before 31st March 1973);(**12**)

(**4**) Article 12 was omitted by article 2 of S.I. 1992/710 with effect from 6th April 1992 but by virtue of article 8 of that instrument remaining in force for awards payable for a period before that date.
(**5**) Article 13 was omitted by article 15 of S.I. 1993/598 with effect from 12th April 1993 but by virtue of article 16 of that instrument remains in force for awards payable for a period before that date.
(**6**) Paragraph (1) of article 17 was substituted and paragraph (2) of that article was omitted by article 3 of S.I. 1997/286 with effect from 7th April 1997.
(**7**) Paragraph (1A) of article 18 was inserted by article 4 of S.I. 1997/286 with effect from 7th April 1997 and paragraph (2A) of that article was inserted by article 2 of S.I. 1985/1201 with effect from 2nd November 1985. Paragraph (5) of article 18 was amended by S.I. 1984/1154 and 1992/710 and paragraph (7) was added by article 2 of S.I. 1985/1201 with effect from 25th November 1985.
(**8**) Paragraphs (1) and (2) of article 21 were amended by S.I. 1997/286. Paragraphs (1A) and (2) were respectively added and substituted by S.I. 1985/1201 with effect from 25th November 1985 and paragraph (1B) was added by S.I. 1997/286 with effect from 7th April 1997.
(**9**) Article 23 was amended by S.I. 1992/710 and 1993/598. Paragraph (6A) of that article was added by article 5 of S.I. 1986/592.
(**10**) Articles 24 and 25 were amended by S.I. 1993/598.
(**11**) Article 26A was inserted by article 4 of S.I. 1997/812 with effect from 7th April 1997.
(**12**) Article 29(1A) was inserted by article 2 of S.I. 1994/1906.