STATUTORY RULES OF NORTHERN IRELAND

2005 No. 108

PENSIONS (NORTHERN IRELAND)

Pensions Appeal Tribunals (Northern Ireland) (Amendment) Rules 2005

Made - - - -	*14th March 2005*
To be laid before Parliament	
Coming into operation	*6th April 2005*

I, The Right Honourable Sir Brian Francis Kerr, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred on me by section 6 of, and paragraphs 5 and 6 of the Schedule to, the Pensions Appeal Tribunals Act 1943(**1**) and of all other powers enabling me in this behalf, do hereby make the following Rules:

Citation, commencement and interpretation

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

(2) In these Rules a reference to a rule or schedule by number is a reference to that Rule or Schedule as numbered in the Pensions Appeal Tribunals (Northern Ireland) Rules 1981(**2**).

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 (Northern Ireland) Rules 1981 shall have effect as if these Rules had not been made.

Amendments to the Pensions Appeal Tribunals (Northern Ireland) Rules 1981

3. Rule 2(1) shall be amended as follows:

(**1**) 1943 c. 39; Section 6 was amended by the Judicature (Northern Ireland) Act 1978(c. 23), Section 122(1), the Social Security Act 1980 (c. 3), Section 16(4) and the Child Support, Pensions and Social Security Act 2000 (c. 19), Section 57(2); paragraph 5 of the Schedule was amended by Section 32(4) of the Administration of Justice Act 1977 (c. 38), Section 16(6) of the Social Security Act 1980 (c. 30), Part 11 of Schedule 1 to the Statute Law (Repeals) Act 2004 (c. 14) and paragraph 10(1) and (2) of Schedule 1 and Schedule 3 to the Armed Forces (Pension and Compensation) Act 2004 (c. 32); paragraph 6 of the Schedule was amended, and paragraph 6A inserted, by Section 59 of the Administration of Justice Act 1985 (c. 61)

(**2**) S.R. 1981 No. 231 as previously amended by S.R. 1982 No. 201, S.R. 1983 No. 23, S.R. 1998 No. 265, S.R. 2001 No. 109, S.I. 2001 No. 3506 and S.R. 2003 No. 316

(a) after the definition of "assessment appeal" and before the definition of "Court of Appeal" there shall be inserted the following definition –

> ""Commissioner" means the Chief Social Security Commissioner or any other Social Security Commissioner appointed under the Social Security Administration (Northern Ireland) Act 1992 and includes a tribunal of Commissioners constituted under section 6D(5) of the Pensions Appeal Tribunals Act 1943.";

(b) after the definition of "Court of Appeal" and before the definition of "entitlement appeal" there shall be inserted the following definition –

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

(c) after the definition of "specified decision" and before the definition of "the Chairman" there shall be inserted the following definition –

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

(d) in the definition of "the Chairman" delete from "appointed" to "Ireland" and substitute the words "who is the Chairman of, or who constitutes, the tribunal hearing the appeal.";

(e) delete the definition entitled "the Secretary of State".

4. After Rule 2(1) insert –

"(1A) For the purposes of these Rules, a Commissioner shall be known as the "Chief Pensions Appeal Commissioner" or a "Pensions Appeal Commissioner" as appropriate 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(**3**) for an armed and reserve forces compensation scheme to be administered by another person, reference in these Rules to the Secretary of State shall be construed as if it were a reference to that other person.".

5.—(1) For Rule 18 substitute –

"**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, including any determinations of the tribunal on questions of law or evidence.

(2) The decision notice and statement of 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 may be 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

(**3**) 2004 c. 32