STATUTORY RULES OF NORTHERN IRELAND

2001 No. 109

PENSIONS (NORTHERN IRELAND)

Pensions Appeal Tribunals (Northern Ireland) (Amendment) Rules 2001

Made - - - -	*14th March 2001*
To be laid before Parliament	
Coming into operation	*9th April 2001*

I, THE RIGHT HONOURABLE SIR ROBERT DOUGLAS CARSWELL, 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 Appeals 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 2001 and shall come into operation on 9th April 2001.

(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**).

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

2. Except in the Arrangement of Rules and Rules 2(1), 2A, 12(6), 13(1), 15(3), 18, 19(2), 24(5), 24(6), 26(3)(*e*), 26(5), 26(6) and 34 the words "the Chairman" and "a Chairman" in the Rules shall be substituted by the words "the President".

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

(a) In the definition of "appeal" for the words "and an assessment appeal" there shall be substituted ", an assessment appeal and an appeal against a specified decision";

(**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. 30), 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) and Section 16(6) of the Social Security Act 1980 (c. 30); 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 amended by S.R. 1981 No. 201, S.R. 1983 No. 23 and S.R. 1998 No. 265

(b) In the definition of "patient" for the words "Mental Health Act (Northern Ireland) 1961"(**3**) there shall be substituted "Mental Health (Northern Ireland) Order 1986"(**4**);

(c) In the definition of "the Chairman" the words ", as respects entitlement appeals," and "or, as respects assessment appeals, the duly qualified medical practitioner" and ", as the case may be" shall be omitted;

(d) After the definition of "Pensions Appeal Office" there shall be inserted the following definition—

> ""specified decision" has the meaning given in section 5A of the Act(**5**);"

(e) After the definition of "the Chairman" there shall be inserted the following definitions—

> ""the Deputy President" means the person appointed by the Lord Chief Justice of Northern Ireland to be Deputy President of the Pensions Appeal Tribunals for Northern Ireland under paragraph 2B of the Schedule to the Act(**6**);
>
> "the President" means the person appointed by the Lord Chief Justice of Northern Ireland to be President of the Pensions Appeal Tribunals for Northern Ireland under paragraph 2B of the Schedule to the Act; and references to the President shall be construed as including the Deputy President where he is authorised to carry out any function of the President under any provision of the Act or of these Rules;"

4.—(1) In the Arrangement of Rules, after Rule 2 there shall be inserted the following—

"**2A.** Functions of the President.".

(2) After Rule 2 there shall be added the following new rule—

"**Functions of the President**

2A.—(1) In relation to a particular appeal, a category of appeal or to appeals generally the President may direct that all or any of his functions under these Rules be undertaken by the Deputy President or a Chairman.

(2) The functions of the President under these Rules may, if he is for any reason unable to act or during a vacancy in his office, be discharged by the Deputy President or, if there is no Deputy President or the Deputy President is for any reason unable to act, by a person nominated for that purpose by the Lord Chief Justice of Northern Ireland.".

5. Rule 3(1) shall be amended as follows—

(a) the word "and" shall be deleted at the end of paragraph (*a*); and

(b) after the word "lies" in paragraph (*b*) the full stop shall be omitted and there shall be inserted the following—

> "; and
>
> (c) an appeal against a specified decision shall be brought by the person in respect of whose claim the Minister has made the decision."

6. In Rule 6(2) for the word "are" there shall be substituted the word "is" and for the word "they" there shall be substituted the word "it".

(**3**) 1961 c. 15 (N.I.)
(**4**) S.I. 1986 No. 595 (N.I. 4)
(**5**) Section 5A off the Pensions Appeal Tribunals Act 1943 (c. 39) was inserted by Section 57(1) of the Child Support, Pensions and Social Security Act 2000 (c. 19)
(**6**) Paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 (c. 39) was inserted by section 60(3) of the Child Support, Pensions and Social Security Act 2000 (c. 19)