STATUTORY RULES OF NORTHERN IRELAND

1998 No. 265

PENSIONS (NORTHERN IRELAND)

Pensions Appeal Tribunals (Northern Ireland) (Amendment) Rules 1998

Made - - - -	*11th July 1998*
To be laid before Parliament	
Coming into operation	*1st September 1998*

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:

1.—(1) These Rules may be cited as the Pensions Appeal Tribunals (Northern Ireland) (Amendment) Rules 1998 and shall come into operation on 1st September 1998.

(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**).

2. The Arrangement of Rules at the beginning of the Pensions Appeal Tribunals (Northern Ireland) Rules 1981 shall be amended as follows:—

(a) by inserting after the title of Rule 5 the new title to new Rule 5A "Review of Appeal Documents";

(b) by substituting for the title of Rule 21 the title "Appeal in absence of parties"; and

(c) by substituting for the title of Rule 27 the title "Expenses of Appeals to Court of Appeal".

3. Rule 2 shall be amended as follows—

(a) in paragraph (1) in the definition of "notice of appeal" for the words "in the manner prescribed by these Rules" there shall be substituted the words "on an appropriate form" and in the definition of "the Secretary of State" for the words "Social Services" there shall be substituted the words "Social Security"; and

(b) paragraph (3) shall be omitted.

(**1**) 1943 c. 39; section 6 was amended by the Social Security Act 1980 (c. 3), section 16(4); 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. 1982 No. 201 and S.R. 1983 No. 23

4. Rule 3(2) shall be amended by substituting for the words from "Article 67A(1)(b)" to the end, the words—

"Article 68(1)(b) and (2) of the Naval, Military and Air Forces, etc. (Disablement and Death) Service Pension Order 1983(**3**) and in Article 77(1)(b) and (2) of the Personal Injuries (Civilians) Scheme 1983(**4**).".

5. Rule 4 shall be amended as follows—

(a) in paragraph (1) for the words "given to the Secretary of State on whichever form of notice of appeal set out in Schedule 1 is appropriate" there shall be substituted the words "on an appropriate form"; and

(b) for paragraph (3) there shall be substituted the following new paragraph—

"(3) A notice of appeal shall be signed by the appellant, or as the case may be, by a person acting on behalf of the appellant, shall bear the date on which it was signed and shall be sent by post addressed to the Secretary of State for Social Security.".

6. After Rule 5 there shall be inserted the following new rule—

"**Review of appeal documents**

5A.—(1) After receipt by the Pensions Appeal Office of the documents mentioned in Rule 5(6), a Chairman may review those documents and may, if he thinks fit, exercise the powers given to the Tribunal—

(a) under Rule 14 to require further information to be obtained or further evidence to be procured or produced; or

(b) under Rule 15 to take the opinion of a medical specialist or other technical expert, and

paragraphs (1) to (3) of the Rule 14 and paragraphs (1) to (3) of Rule 15 shall apply with the necessary modifications.

(2) After reviewing the documents mentioned in paragraph (1) above, the Chairman may without prejudice to the application of Rule 30 give such directions as he thinks fit on any matter arising in connection with the appeal."

7. Rule 8 shall be amended by omitting—

(a) in paragraph (1) the words "to the effect of Form 7"; and

(b) in paragraph (2) the words "(unless the appeal is to be heard in his absence under Rule 20)".

8. Rule 19(4) shall be amended by inserting at the end the words "and shall be available for public inspection".

9. For Rule 20 there shall be substituted the following new rule—

"**Appeal in absence of parties**

20.—(1) Subject to any arrangements made by the Chairman under rule 21, to the provisions of rule 23 and to the following provisions of this rule, an appeal may be heard in the absence of the parties or their representatives.

(2) If a party fails to attend or be represented at a hearing of which he has been duly notified, the tribunal may—

(**3**) S.I.1983/883, as amended by S.I. 1984/1154
(**4**) S.I. 1983/686, as amended by S.I. 1984/1289