1978 No. 169

PENSIONS (NORTHERN IRELAND)

Pensions Appeal Tribunals (Northern Ireland) (Amendment No. 2) Rules 1978

Made . . . . . 22*nd June* 1978
Coming into operation . . . . 31*st July* 1978
To be laid before Parliament

I, the Right Honourable Sir Robert Lynd Erskine Lowry, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred on me by paragraph 5 of the Schedule to the Pensions Appeal Tribunals Act 1943(**a**), as amended by the Administration of Justice Act 1977(**b**), and of all other powers enabling me in this behalf, hereby make the following Rules:

1. The Pensions Appeal Tribunals (Northern Ireland) Rules 1972(**c**), as amended(**d**), shall be further amended as follows:—

(1) In Rule 26 (which provides for the payment of expenses)—

(*a*) for paragraph (1) there shall be substituted the following paragraph:

"(1) In addition to any expenses and allowances payable by the Tribunal by virtue of paragraph 7A of the Schedule to the Act, there may be allowed—

(*a*) to an appellant who is examined by a medical specialist pursuant to arrangements made by the Tribunal under Rule 15(2);

(*b*) to a witness other than a medical witness who attends the hearing, where before the hearing an application is made to the Chairman of the Tribunal and he certifies that in the exceptional circumstances of the case the attendance of the witness is necessary;

the travelling expenses actually and reasonably incurred by him for the purpose of undergoing the medical examination or attending the Tribunal, as the case may be, and an allowance in respect of subsistence not exceeding in amount whichever of the allowances specified in Part I of Schedule 2 is appropriate to his case.";

(*b*) paragraphs (2) and (3) shall be omitted.

(*c*) the following paragraph shall be inserted after paragraph (1):

"(2) Where the appeal is successful, and where the appeal was not successful but the Chairman certifies that there were reasonable grounds for the appeal, there may be allowed to an appellant or witness to whom an allowance may be made under paragraph (1) such additional sum for loss of time as the Chairman thinks reasonable, not exceeding the sum of £10.75 per day (£5.38 per half day)".

(a) 1943 c. 39
(b) 1977 c. 38
(c) S.R. & O. (N.I.) 1972 No. 267 (p. 1420)
(d) S.R. & O. (N.I.) 1972 No. 338 (p. 1688); S.R. 1976 No. 73 (p. 359); S.R. 1978 No. 117