

2008 No. 444

PENSIONS (NORTHERN IRELAND)

**Pensions Appeal Tribunals (Northern Ireland) (Amendment)
Rules 2008**

Made - - - - *11th November 2008*

Coming into operation - *15th December 2008*

To be laid before Parliament

I, The Right Honourable Sir Brian Kerr, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred on me by section 6 of, and paragraph 5 of the Schedule to, the Pensions Appeal Tribunals Act 1943(a) 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 2008 and shall come into operation on 15th December 2008.

(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(b).

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. In the Arrangement of Rules at the beginning of the Pensions Appeal Tribunals (Northern Ireland) Rules 1981, in the title of Rule 24 for the words “a Pensions Appeal Commissioner” substitute “an appropriate body”.

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

(a) 1943 c. 39; relevant amendments to Section 6 were made by Section 43(1) of the Social Security and Housing Benefits Act 1982 c. 24 and Section 5 of the Armed Forces (Pensions and Compensation) Act 2004 c. 32; 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, Section 1(1) of the Statute Law (Repeals) Act 2004 c.14, Sections 5 and 7(4) of the Armed Forces (Pensions and Compensation) Act 2004 c.32 and Section 15(1) of the Constitutional Reform Act 2005 c.4.

(b) 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. 2001/3506, S.R. 2003 No. 316, S.R. 2005 No. 108 and 2005 c.4.

(a) after the definition for “appellant” and before the definition for “assessment appeal” there shall be inserted the following definition:

““appropriate body” means—

(a) the Upper Tribunal in the case of a decision under section 5 of the Act; and

(b) a Commissioner in any other case.”

(b) after the definition of “Tribunal” there shall be inserted the following definition:

““Upper Tribunal” means the Upper Tribunal established pursuant to the Tribunals, Courts and Enforcement Act 2007.”

5. In Rule 18(3)(b), for “a Commissioner” substitute “an appropriate body”.

6.—(1) In Rule 24(1)—

(a) for “a Commissioner” substitute “an appropriate body”; and

(b) omit the words “on an entitlement appeal or a specified decision”.

(2) In Rule 24(2), for “a Commissioner” substitute “an appropriate body”.

(3) In Rule 24(4), for “a Commissioner” substitute “an appropriate body”.

7. In Rule 30(1), for “a Commissioner” substitute “an appropriate body”.

Brian Kerr
Lord Chief Justice of Northern Ireland

Dated 11th November 2008

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Pensions Appeal Tribunals (Northern Ireland) Rules 1981 to provide the procedure for a new route of appeal to the Upper Tribunal from a decision of the Pensions Appeal Tribunal in an assessment appeal.

Rules 3, 5 and 7 make consequential amendments.

Rule 4 provides for new definitions consequential on the amendments to the 1981 Rules.

Rule 6 makes amendments to the procedure for dealing with applications for leave to appeal a decision of the Pensions Appeal Tribunal. The existing procedure for applying for leave to appeal to the Commissioner will apply to applications for leave to appeal to the Upper Tribunal.

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