
STATUTORY INSTRUMENTS

1995 No. 635

PENSIONS

The Judicial Pensions (Appeals) Regulations 1995

Made - - - - *7th March 1995*
Laid before Parliament *9th March 1995*
Coming into force - - *31st March 1995*

The Lord Chancellor, and in relation to judicial offices whose jurisdiction is exercised exclusively in Scotland, the Secretary of State, in exercise of the powers conferred on them by the enactments specified in Part I of the Schedule to this instrument; the Secretary of State, in exercise of the powers conferred on him by the enactment specified in Part II of the Schedule; and the Treasury, in exercise of the powers conferred on them by the enactments specified in Part III of the Schedule, hereby make the following Regulations: —

Title and commencement

1. These Regulations may be cited as the Judicial Pensions (Appeals) Regulations 1995 and shall come into force on 31st March 1995.

Interpretation

2. In these Regulations —

“the 1993 Act” means the Judicial Pensions and Retirement Act 1993⁽¹⁾;

“the appropriate Minister” has the meaning given by—

(a) section 30(1) of the 1993 Act; or

(b) section 32A(6) of the Judicial Pensions Act 1981⁽²⁾;

and —

(i) in the case of an appeal under section 9A of the Sheriffs' Pensions (Scotland) Act 1961⁽³⁾, means the Secretary of State;

(ii) in the case of an appeal under the enactments mentioned in paragraphs (d), (e), (f), (g) (h) and (i) of regulation 3, means the Treasury;

(1) 1993 c. 8.

(2) 1981 c. 20; section 32A was inserted by paragraph 2 of Schedule 3 to the 1993 Act.

(3) 1961 c. 42; section 9A was inserted by paragraph 4 of Schedule 3 to the 1993 Act.

Application of Regulations

3. These Regulations shall apply to any appeal brought under the following enactments —
- (a) section 20 of the Judicial Pensions and Retirement Act 1993;
 - (b) section 32A of the Judicial Pensions Act 1981;
 - (c) section 9A of the Sheriffs' Pensions (Scotland) Act 1961;
 - (d) section 13(5) and (6) of the Superannuation Act 1972(4);
 - (e) paragraph 4 of Schedule 1 to the Parliamentary Commissioner Act 1967(5);
 - (f) paragraph 4 of Schedule 1A to the Parliamentary Commissioner Act (Northern Ireland) 1969(6);
 - (g) section 107 of the National Health Service Act 1977(7);
 - (h) section 91 of the National Health Service (Scotland) Act 1978(8);
 - (i) article 4A(4) of the Audit (Northern Ireland) Order 1987(9).

Notice of appeal

4. The appellant shall bring his appeal by giving a notice of appeal in writing to the appropriate Minister.

Time limits in relation to the notice of appeal

5.—(1) The appellant must give the notice of appeal to the appropriate Minister not later than two months after the date on which the administrators notify him of the decision against which he appeals.

(2) The appropriate Minister may extend the time limit mentioned in paragraph (1), if he thinks it appropriate to do so in an individual case.

(3) The appropriate Minister shall, no later than 7 days after the date of the arrival of the notice of appeal in his office, send a copy of that notice, together with any documents annexed to it, to the administrators.

Form of notice of appeal

- 6.—(1) The notice of appeal shall state —
- (a) the grounds of the appeal with sufficient particulars to show why the appellant is aggrieved by the decision; and
 - (b) the full name of the appellant and the address to be used for service on him of any documents in connection with the appeal.
- (2) The notice of appeal shall be signed by or on behalf of the appellant.

(4) 1972 c. 11; section 13 was substituted by paragraph 1 of Schedule 4 to the 1993 Act.

(5) 1967 c. 13; paragraph 4 of Schedule 1 was substituted by paragraph 2 of Schedule 4 to the 1993 Act.

(6) 1969 c. 10 (N.I.); paragraph 4 of Schedule 1A was inserted by paragraph 6 of Schedule 4 to the 1993 Act.

(7) 1977 c. 49; section 107(2) (which applies Schedule 1 to the Parliamentary Commissioner Act 1967 in relation to persons who have held office as Health Service Commissioner) was amended by paragraph 3 of Schedule 4 to the 1993 Act.

(8) 1978 c. 29; section 91(2) (which applies Schedule 1 to the Parliamentary Commissioner Act 1967 in relation to persons who have held office as the Health Service Commissioner) was amended by paragraph 4 of Schedule 4 to the 1993 Act.

(9) S.I.1987/460 (N.I.10); article 4A(4) was inserted by paragraph 5(4) of Schedule 4 to the 1993 Act.

Documents to be annexed to notice of appeal

7.—(1) In any case where the appellant wishes to rely on any documents for the purposes of his appeal, those documents, or a copy of them, shall be attached to the notice of appeal.

(2) In a case where a copy of a document has been attached to the notice of appeal, the appropriate Minister may, if he thinks that it is necessary, request the appellant to send to him the original of that document.

Amendment of appeal and request for further particulars

8.—(1) The appropriate Minister may, at any time before he decides the appeal —

- (a) permit an appellant to amend his grounds of appeal;
- (b) request an appellant to provide further particulars of any matter referred to in his notice of appeal; and
- (c) request an appellant to produce documents relevant to those further particulars.

(2) The appropriate Minister may specify a time limit for receipt of any such further particulars or documents.

(3) The appropriate Minister shall send to the administrators any such further particulars or documents no later than 7 days after the date of their arrival in his office.

Withdrawal of appeal

9.—(1) The appellant may, at any time before the appropriate Minister decides his appeal, withdraw his appeal, by giving to the appropriate Minister a notice in writing stating that he withdraws his appeal signed by him or on his behalf.

(2) The appropriate Minister shall notify the administrators of any such withdrawal no later than 7 days after the date of its arrival in his office.

Dated 6th March 1995

Mackay of Clashfern, C.

Dated 7th March 1995

Ian Lang
One of Her Majesty's Principal Secretaries of
State

Dated 7th March 1995

Andrew Mitchell
Timothy Wood
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

PART I

Judicial Pensions and Retirement Act 1993, section 20(4)

Judicial Pensions Act 1981, section 32A(4)

PART II

Sheriffs' Pensions (Scotland) Act 1961, section 9A(3)

PART III

Superannuation Act 1972, section 13(6)

Parliamentary Commissioner Act 1967, Schedule 1, paragraph 4

Parliamentary Commissioner Act (Northern Ireland) 1969, Schedule 1A, paragraph 4

National Health Service Act 1977, section 107

National Health Service (Scotland) Act 1978, section 91

Audit (Northern Ireland) Order 1987, article 4A(5)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the manner in which, and time within which, appeals under section 20 of the Judicial Pensions and Retirement Act 1993 and other enactments specified in the Regulations, against decisions of the administrators of certain judicial and other pension schemes are to be brought.