

2001 No. 1032

PENSIONS

**The Pensions Appeal Tribunals (Late Appeals)
Regulations 2001**

Made - - - - - *15th March 2001*

Coming into force - - - *9th April 2001*

Whereas a draft of this Instrument was laid before Parliament in accordance with section 8(6) of the Pensions Appeal Tribunals Act 1943(a) and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred on him by section 8(5) of that Act, and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Pensions Appeal Tribunals (Late Appeals) Regulations 2001, and shall come into force on 9th April 2001.

2. In these Regulations—

“the Act” means the Pensions Appeal Tribunals Act 1943;

“appeal” means an appeal under the Act to a Tribunal against a decision of the Secretary of State to which section 8(1) of the Act applies;

“commencement date” means 9th April 2001;

“time limit” means the relevant time limit for the bringing of an appeal specified in, or pursuant to, section 8 of the Act; and

“Tribunal” means a Pensions Appeal Tribunal constituted pursuant to paragraph 1 of the Schedule to the Act.

Provision for late appeals

3. The Tribunal may, in the circumstances prescribed in regulation 4, allow an appeal to be brought not later than twelve months after the expiry of the time limit.

(a) 1943 c. 39. Section 8(1) was amended, sections 8(5) and (6) were inserted, and the Schedule was amended, by sections 58 and 60 respectively of the Child Support, Pensions and Social Security Act 2000 (c. 19).

(b) 1992 c. 53.

Prescribed circumstances

4. The prescribed circumstances are as follows:
- (a) where the main cause of non-compliance with the time limit was—
 - (i) the death or serious illness of the claimant or a spouse or dependant of the claimant;
 - (ii) the disruption of normal postal services;
 - (iii) failure on the part of the Secretary of State to notify the claimant of the decision; or
 - (iv) exceptional circumstances applying to the claimant which rendered it impracticable for the claimant to bring the appeal or to instruct another person to bring it;
 - and
 - (b) the appeal was in any event brought as soon as was reasonably practicable in the circumstances of the case.

Signed by authority of the Secretary of State for Social Security.

15th March 2001

Hugh Bayley
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to war pensions, and the circumstances in which a Pensions Appeal Tribunal may, under the Pensions Appeal Tribunals Act 1943 (“the 1943 Act”), hear a late appeal against a decision by the Secretary of State.

The time limits for the bringing of an appeal are provided for in section 8(1) of the 1943 Act, as amended by section 58 of the Child Support, Pensions and Social Security Act 2000. The time limit is 6 months for decisions on or after 9th April 2001, 12 months for assessment decisions made before that date and 12 months from April 2001 for entitlement decisions made before that date.

These Regulations provide that a late appeal may be brought within a year of the expiry of the statutory time limit in certain circumstances (regulation 4). These are where the delay has been caused by serious illness of the claimant or a member of the claimant’s family, postal disruption, failure of the Secretary of State to notify the decision or where a claimant has suffered exceptional circumstances which prevented the bringing of an appeal within the time limit.

These Regulations do not impose a charge on business.

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