



Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART II

PENSIONS

CHAPTER III

WAR PENSIONS

57 Rights of appeal

(1) After section 5 of the Pensions Appeal Tribunals Act 1943 there shall be inserted—

“5A Appeals in other cases

- (1) Where, in the case of any such claim as is referred to in section 1, 2 or 3 of this Act, the Minister makes a specified decision—
 - (a) he shall notify the claimant of the decision, specifying the ground on which it is made, and
 - (b) thereupon an appeal against the decision shall lie to the Tribunal on the issue whether the decision was rightly made on that ground.
- (2) For the purposes of subsection (1), a “specified decision” is a decision (other than a decision which is capable of being the subject of an appeal under any other provision of this Act) which is of a kind specified by the Minister in regulations made by statutory instrument.
- (3) Regulations under this section shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.”

Status: This is the original version (as it was originally enacted).

- (2) In subsection (2) of section 6 of that Act (further appeals to High Court in cases of appeals brought under sections 1 to 4), for the words from “section one” to “four” there shall be substituted “sections 1, 2, 3, 4 or 5A”.
- (3) In subsection (2A) of that section (setting aside of decisions of Tribunal on appeals under sections 1, 2, 3 or 4), for “or 4” there shall be substituted “, 4 or 5A”.
- (4) Section 1(2) of the Pensions Appeal Tribunals Act 1949 (no right of appeal against rejection of claims relating to service before 3rd September 1939) shall cease to have effect.

58 Time limit for appeals

- (1) In section 8 of the Pensions Appeal Tribunals Act 1943 (time limit for appeals), in subsection (1) (notice of appeal to be given within twelve months of notification of decision or assessment), for the words from “twelve months after” to “in any other case,” there shall be substituted “six months after”.
- (2) After subsection (3) of that section there shall be inserted—
 - “(4) The Minister may by regulations made by statutory instrument amend subsections (1) and (3) so as to substitute a different number of months for any number of months specified there.
 - (5) The Minister may by regulations made by statutory instrument provide that the Tribunal may, in circumstances prescribed in the regulations, allow an appeal to be brought not later than twelve months after the end of any period limited by this section.
 - (6) Regulations under subsection (4) or (5) shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.”
- (3) Subsection (1) shall not have effect in relation to—
 - (a) decisions from which an appeal lies to the Tribunal under sections 1 to 4 of the Pensions Appeal Tribunals Act 1943 and which are made before the day on which that subsection comes into force, or
 - (b) decisions or assessments from which an appeal lies to the Tribunal under section 5(2) of that Act and which are made before the day on which that subsection comes into force.
- (4) In relation to decisions falling within subsection (3)(a) of this section, section 8 of the Pensions Appeal Tribunals Act 1943 shall have effect as if for paragraphs (a) to (c) of subsection (1) of that section there were substituted “the day on which section 58(1) of the Child Support, Pensions and Social Security Act 2000 came into force”.
- (5) In section 6(1) of the War Pensions Act 1921 (notice of appeal to be given within twelve months of notification of rejection of claim), for “twelve” there shall be substituted “six”.
- (6) Subsection (5) shall not have effect in relation to any appeal if the decision or assessment appealed against was made before the day on which that subsection comes into force.

59 Matters relevant on appeal to Pensions Appeal Tribunal

Before section 6 of the Pensions Appeal Tribunals Act 1943 (constitution, jurisdiction and procedure of Pensions Appeal Tribunal), there shall be inserted—

“5B Matters relevant on appeal

In deciding any appeal, a Pensions Appeal Tribunal—

- (a) need not consider any issue that is not raised by the appellant or the Minister in relation to the appeal; and
- (b) shall not take into account any circumstances not obtaining at the time when the decision appealed against was made.”

60 Constitution and procedure of Pensions Appeal Tribunals

(1) In sub-paragraph (2) of paragraph 2 of the Schedule to the Pensions Appeal Tribunals Act 1943 (remuneration for members of Pensions Appeal Tribunals), after “remuneration” there shall be inserted “and allowances”.

(2) After that sub-paragraph there shall be inserted—

“(2A) Subject to sub-paragraphs (3) and (4) below, a member of such a Tribunal shall hold and vacate his office in accordance with the terms of his appointment, but shall be eligible for reappointment.”

(3) After paragraph 2 of that Schedule, there shall be inserted—

“2A (1) The Lord Chancellor shall ensure that the appointments made by him under paragraph 2 above have the effect, in the case of each of the Tribunals, that the persons holding office as members of that Tribunal at all times include—

- (a) persons who are legally qualified;
- (b) persons who are medically qualified;
- (c) persons with knowledge or experience of service in Her Majesty’s naval, military or air forces; and
- (d) other persons.

(2) For the purposes of this Schedule a person is legally qualified if—

- (a) he has a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) he is an advocate or solicitor in Scotland of at least seven years’ standing; or
- (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least seven years’ standing.

(3) For the purposes of this Schedule a person is medically qualified if he is a duly qualified medical practitioner of at least seven years’ standing.

(4) In making any appointment under paragraph 2 it shall be the duty of the Lord Chancellor to have regard to the desirability of having as members of the Tribunals persons with knowledge or experience of matters relating to the disability of persons.

Status: This is the original version (as it was originally enacted).

- 2B (1) A President of Pensions Appeal Tribunals and a Deputy President of Pensions Appeal Tribunals may be appointed for each part of the United Kingdom.
- (2) The person entitled to appoint a person under this paragraph to be a President or Deputy President of Pensions Appeal Tribunals shall be—
- (a) in the case of an appointment for England and Wales, the Lord Chancellor;
 - (b) in the case of an appointment for Scotland, the Lord President of the Court of Session; and
 - (c) in the case of an appointment for Northern Ireland, the Lord Chief Justice of Northern Ireland.
- (3) Only legally qualified members of a Pensions Appeal Tribunal shall be eligible for appointment under this paragraph.
- (4) A person shall cease to be President or Deputy President of Pensions Appeal Tribunals if he ceases to be a member of any such Tribunal.
- (5) The Deputy President of Pensions Appeal Tribunals for any part of the United Kingdom shall carry out such of the functions of the President for that part of the United Kingdom as that President assigns to him.
- (6) If at any time the President of Pensions Appeal Tribunals for any part of the United Kingdom is temporarily unable to carry out his functions under this Schedule, those functions shall be carried out by the Deputy President for that part of the United Kingdom.”
- (4) For paragraph 3 of that Schedule (constitution of Tribunal for particular hearings) there shall be substituted—
- “3 The members of the Tribunal hearing a particular appeal shall in every case include a legally qualified member; and only a legally qualified member may preside as chairman for the hearing of any appeal.
- 3A (1) The President of Pensions Appeal Tribunals for any part of the United Kingdom may give directions as to—
- (a) the number of members of the Tribunal who should hear an appeal in that part of the United Kingdom;
 - (b) the extent to which the members hearing such an appeal must include—
 - (i) medically qualified persons; and
 - (ii) persons who are neither legally qualified nor medically qualified;
 - (c) the extent to which in the case of such an appeal the members hearing it must include persons satisfying other requirements specified by the President;
 - (d) the manner of determining the members who are to serve as the chairman and members of the Tribunal for the hearing of such an appeal.
- 3B The President of Pensions Appeal Tribunals for any part of the United Kingdom may give directions as to the practice and procedure to be followed by such Tribunals in that part of the United Kingdom.

- 3C (1) The power to give directions under paragraphs 3A and 3B shall be exercisable in relation to a particular appeal, to a category of appeal or to appeals generally.
- (2) If at any time there is, in the case of any part of the United Kingdom, neither a President of Pensions Appeal Tribunals nor a Deputy President, the power of the President to give directions under paragraphs 3A and 3B above shall be exercisable—
- (a) in the case of England and Wales, by the Lord Chancellor;
 - (b) in the case of Scotland, by the Lord President of the Court of Session; and
 - (c) in the case of Northern Ireland, by the Lord Chief Justice of Northern Ireland.
- (3) The power to give directions under paragraphs 3A and 3B above includes power to vary or revoke directions previously given.”
- (5) In Schedule 11 to the Courts and Legal Services Act 1990 (judges barred from legal practice), at the end there shall be inserted “Member of a Pensions Appeal Tribunal”.

61 Composition of central advisory committee

- (1) In section 9 of the Chronically Sick and Disabled Persons Act 1970 (central advisory committee on war pensions to include chairmen of not less than twelve of the war pensions committees), in subsection (1), for “chairmen of not less than twelve” there shall be substituted “chairman of at least one”.
- (2) In section 3 of the War Pensions Act 1921 (constitution of central advisory committee), for “representatives of any committees” there shall be substituted “at least one person from one of the committees”.