

SCHEDULE

Section 6.

CONSTITUTION, JURISDICTION AND PROCEDURE OF PENSIONS APPEAL TRIBUNALS

- 1 Such number of Pensions Appeal Tribunals shall be constituted as the Lord Chancellor may from time to time determine and they shall sit at such times and in such places as he may from time to time determine.
- 2 The members of the Tribunals shall be appointed by the Lord Chancellor, and there shall be paid to them such remuneration as the Treasury may determine and the Lord Chancellor may, if he thinks fit, remove any member of such a Tribunal.
- 3 (1) The number of members of the Tribunal to hear any particular appeal shall be three and, in the case of an appeal under section one, section two, section three or section four of this Act, shall consist of—
- (a) a barrister or solicitor of not less than seven years' standing ;
 - (b) a duly qualified medical practitioner of not less than seven years' standing ;
 - (c) a person who satisfies the conditions specified in the next following paragraph ;
- and, in the case of an appeal under section five of this Act, shall consist of two duly qualified medical practitioners of not less than seven years' standing and a person who satisfies the conditions specified in the next following paragraph, and the chairman of the Tribunal shall, in cases where there is a legal member, be that member, and in other cases shall be such one of the duly qualified medical practitioners as may be appointed to be chairman by the Lord Chancellor.
- (2) The conditions referred to in the last foregoing paragraph are that the member shall be of the same sex as the person in respect of whose incapacity for work, disablement or death the claim to which the appeal relates was made and—
- (a) if the claim was made in respect of an officer of His Majesty's naval, military or air forces under any such Royal Warrant, Order in Council or Order of His Majesty as is referred to in section one of this Act, shall be a retired or demobilised officer of any of the said forces ;
 - (b) if the claim was made in respect of a member of any of the said forces, other than an officer, under any such Royal Warrant, Order in Council or Order of His Majesty as aforesaid, shall be a "discharged or demobilised member of any of the said forces who was not at the time of his discharge or demobilisation an officer ;
 - (c) if the claim was made under any such scheme as is referred to in section two of this Act, shall be a person who is or has been a master or member of the crew of a British ship ;
 - (d) if the claim was made under any such scheme as is referred to in section three of this Act in respect of a war service injury sustained by a civil defence volunteer, shall be a person who is or has been a member of a civil defence organisation ;
 - (e) if the claim was made under any such scheme as is referred to in the said section three, not being a claim in respect of a war service injury sustained by a civil defence volunteer, shall be any person other than a member of His Majesty's naval, military or air forces.
- 4 No court fees shall be charged on the hearing of any case before a Tribunal.
- 5 (1) Subject as aforesaid, the Lord Chancellor may make rules with respect to—

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

- (a) the manner of hearing of appeals by Pensions Appeal Tribunals and in particular appeals in cases where the appellant owing to illness or other cause is not present at the hearing ;
 - (b) the mode of proof and admissibility of evidence ;
 - (c) the representation of the appellant and the Minister at the hearing;
 - (d) the recording and proof of the decisions of the Tribunals;
- and such other matters relating to the practice and procedure of the Tribunals as the Lord Chancellor thinks fit.
- (2) Such rules shall provide for the disclosure of all such documents (whether in the possession of a government department or not) as are necessary for disposing fairly of the appeal, subject to such exceptions and conditions as the rules may prescribe in the public interest, and shall provide for making available to the appellant copies of all documents produced to the Tribunal in connection with the appeal except where the Tribunal considers it undesirable in the interests of the appellant.
- (3) Such rules may provide for the taking of medical and other expert advice by the Tribunals but shall require that such advice shall be disclosed to the appellant except where the Tribunal considers it undesirable in the interests of the appellant.
- (4) Such rules shall provide for the payment by the Tribunal of:—
- (a) travelling expenses and allowances to the following persons,—
 - (i) an appellant attending the hearing of his appeal by the Tribunal;
 - (ii) in a case where an appellant is unable to attend the hearing for reasons of health, a relative or friend attending the hearing on his behalf ;
 - (iii) in a case where the appellant attends the hearing but requires for reasons of health to be accompanied by an attendant, that attendant;
 - (b) expenses reasonably incurred by appellants in obtaining, for the purpose of their appeals, medical reports and certificates and the attendance of medical witnesses ; and
 - (c) in a case where leave is obtained (whether by the appellant or the Minister) to appeal to a judge of the High Court, the costs incurred by the appellant in connection with that appeal.
- (5) All such rules shall be laid before Parliament as soon as may be after they are made, and if either House, within the period of forty days beginning with the day on which any such rules are laid before it, resolves that the rules be annulled, they shall thenceforth become void, but without prejudice to the" validity of anything previously done thereunder or to the making of new rules.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- 6 Any appeal brought by a person who, at the time when the notice of appeal was given, resided in Scotland or in Northern Ireland shall be heard by such one of the Tribunals appointed for Scotland or, as the case may be, for Northern Ireland as may be prescribed by or under rules made for those Tribunals under this Schedule, and all other appeals shall be heard by such one of the Tribunals appointed for England as may be prescribed by or under rules made for those Tribunals under this Schedule :

Provided that where an appeal has been determined by a Tribunal, that determination shall not be open to challenge on the ground that the appeal should, by virtue of this paragraph, have been heard by another Tribunal.

7 In the case of appeals heard in Wales the appellant or any witness may, if he considers that he would otherwise be at a disadvantage by reason of his natural language of communication being Welsh, use the Welsh language and rules made under this Schedule may provide for the employment of interpreters of the English and Welsh languages for the purpose of any such appeal.

8 Any expenses incurred for the purposes of this Schedule, including the remuneration of members of the Tribunals and any expenses which may be incurred by the Tribunals up to an amount sanctioned by the Treasury, shall be defrayed out of moneys provided by Parliament.