

SCHEDULE 3

Minor, consequential and supplemental provisions

Pensions Appeal Tribunals Act 1943

13.—(1) Section 6A (appeals from Tribunal to Social Security Commissioner) is amended as follows.

(2) For the heading substitute “Appeals from Pensions Appeal Tribunal for Scotland or Northern Ireland”.

(3) For subsection (1) substitute—

“(1) Subject to the provisions of this section, an appeal shall lie to the appropriate body from any decision of a Pensions Appeal Tribunal for Scotland or Northern Ireland under any of sections 1 to 5A of this Act on the ground that the decision was erroneous in point of law.

(1A) For the purposes of this section “the appropriate body” means—

(a) in relation to a decision of a Pensions Appeal Tribunal for Scotland, the Upper Tribunal; and

(b) in relation to a decision of a Pensions Appeal Tribunal for Northern Ireland—

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

(ii) a Northern Ireland Social Security Commissioner in any other case.”.

(4) In subsection (2) for “Tribunal” substitute “Pensions Appeal Tribunal for Scotland or Northern Ireland”.

(5) In subsection (3)—

(a) for “the appeal” substitute “an appeal under this section to a Northern Ireland Social Security Commissioner”; and

(b) for “the Tribunal” substitute “a Pensions Appeal Tribunal for Northern Ireland”.

(6) In subsection (4)—

(a) after “Where” insert “an appeal is made to a Northern Ireland Social Security Commissioner and”;

(b) in paragraph (a)(i) for “the Tribunal” substitute “the Pensions Appeal Tribunal for Northern Ireland”; and

(c) in paragraph (b) for “the Tribunal” substitute “a Pensions Appeal Tribunal for Northern Ireland”.

(7) After subsection (4) insert—

“(4A) Section 12 of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to Upper Tribunal) applies in relation to appeals to the Upper Tribunal under this section as it applies in relation to appeals to it under section 11 of that Act, but as if references to the First-tier Tribunal were references to the Pensions Appeal Tribunal for Scotland or Northern Ireland.”.

(8) In subsection (5)—

(a) for “the Commissioner” substitute “the Northern Ireland Social Security Commissioner”; and

(b) for “Tribunal” substitute “Pensions Appeal Tribunal for Scotland or Northern Ireland”.

(9) After subsection (5) insert—

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“(5A) No appeal lies under this section to the Upper Tribunal without the leave of the Pensions Appeal Tribunal for Scotland or Northern Ireland concerned, or of the Upper Tribunal, on an application by the party.”.

(10) In subsection (6)—

- (a) after “under this section” insert “to a Northern Ireland Social Security Commissioner”;
- (b) in paragraph (a) for “the Tribunal” substitute “the tribunal concerned”;
- (c) in paragraph (b) for “the part of the United Kingdom for which the Tribunal was appointed” substitute “Northern Ireland”; and
- (d) in paragraph (c) for “an appropriate Social Security Commissioner” substitute “a Northern Ireland Social Security Commissioner”.

(11) In subsection (7)—

- (a) after “appeals” insert “to a Northern Ireland Social Security Commissioner”; and
- (b) for “to appeal” substitute “to bring such appeals”.

(12) In subsection (8) for “Commissioner” substitute “Northern Ireland Social Security Commissioner”.

(13) Omit subsection (9).

(14) In subsection (10) for “Tribunal, a Great Britain Social Security Commissioner may direct that an application or appeal to him” substitute “appropriate tribunal under section 1, 2, 3, 4 or 5A, the Upper Tribunal may direct that an application or appeal to it”.