Draft Regulations laid before Parliament under section 11A(5)(a) of the Pensions Appeal Tribunals Act 1943, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 000

PENSIONS

The Pensions Appeal Tribunals Act 1943 (Time Limit for Appeals) (Amendment) Regulations 2011

Made - - - -	*****
Coming into force - -	*9th May 2011*

The Secretary of State(**a**), in exercise of the powers conferred by section 8(4) of the Pensions Appeal Tribunals Act 1943(**b**) and section 79(4) to (7) of the Social Security Act 1998(**c**) (as applied by section 11A(3) of the Pensions Appeal Tribunals Act 1943(**d**)), makes the following Regulations—

In accordance with section 11A(5)(a) of the Pensions Appeal Tribunals Act 1943, a draft of this instrument was laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and interpretation

1. These Regulations may be cited as the Pensions Appeal Tribunals Act 1943 (Time Limit for Appeals) (Amendment) Regulations 2011.

2. These Regulations shall come into force on 9th May 2011.

3. In these Regulations "the Act" means the Pensions Appeal Tribunals Act 1943.

Time limit for appeals

4.—(1) Section 8 of the Act (time limit for appeals)(**e**) shall be amended as follows.

(**a**) The functions of the Minister referred to in section 8(4) of the Pensions Appeal Tribunals Act 1943 were transferred to the Secretary of State for Social Services by the Pensions Appeal Tribunals Act (Modification) Order 1981, S.I. 1981/1541. The functions of the Secretary of State for Social Services were transferred to the Secretary of State for Social Security by the Transfer of Functions (Health and Social Security) Order 1988, S.I. 1988/1843, article 3. The functions of the Secretary of State for Social Security were transferred to the Secretary of State by the Transfer of Functions (War Pensions etc.) Order, S.I. 2001/3506, article 2a.

(**b**) 1943 c. 39.

(**c**) 1998 c. 14.

(**d**) Section 11A of the Pensions Appeal Tribunals Act 1943 was inserted by Armed Forces (Pensions and Compensation) Act 2004 (c. 32).

(**e**) Section 8 was amended by the Child Support, Pensions and Social Security Act 2000 (c. 19). The amendments introduced a 6 month time limit for the bringing of appeals under section 8(1) in relation to decisions and assessments made on or after 9th April 2001. The amendments also provided that the time limits in section 8 could be amended by statutory instrument. Section 8 was also amended by S.I. 2008/2833 as a result of the establishment of the First-tier Tribunal which took over the function of hearing appeals relating to war pensions and Armed Forces compensation in England and Wales.

(2) In subsection (1) for "six" substitute "twelve".

(3) In subsection (3) for "three" substitute "twelve".

Transitional provision

5.—(1) Subject to paragraph (2), the amendments made by regulation 4 apply to appeals under the Act in respect of decisions or assessments whenever made.

(2) The amendments do not apply to an appeal in respect of a decision or assessment made before 9th May 2011 if the period for giving notice of the appeal under section 8(1) or (3) of the Act (ignoring regulation 4) expired before that date.

6.—(1) This regulation applies if—

(a) under the Act, an appeal lies in respect of a decision or assessment made before 9th May 2011,

(b) by virtue of these Regulations, the period for giving notice of the appeal under section 8(1) or (3) of the Act is changed, and

(c) notice of the appeal has not been given before 9th May 2011.

(2) The Secretary of State shall, no later than 30th June 2011, give notice to the claimant in question of the change in the period for giving notice of the appeal.

(3) A notice given by the Secretary of State under paragraph (2) shall be in writing and may be sent by post to the last known or usual place of abode of the claimant or any person authorised to act on the claimant's behalf in relation to the claim.

Name
Parliamentary Under Secretary of State
Ministry of Defence

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 8 of the Pensions Appeal Tribunals Act 1943 provides for appeals to be brought to the Pensions Appeal Tribunal in Scotland or Northern Ireland within specified time limits. Appeals, in the main, arise from decisions and assessments made by the Secretary of State regarding claims for war pensions under the Naval, Military and Air Forces etc (Disablement and Death) Service Pension Order 2006 (S.I. 2006/606) and awards under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 (S.I. 2005/439). S.I. 2005/439 is revoked and re-enacted with modifications by the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 (S.I. 2011/517).

These Regulations increase the time limits for bringing appeals to 12 months commencing with the date on which the decision or assessment was notified to the claimant.

Under regulation 5, the increased time limits will apply to an appeal in respect of a decision or assessment made before these Regulations come into force (9th May 2011) if the original period for giving notice of the appeal has not expired before this date. Regulation 6 provides that persons who, when the Regulations are brought into force, have an unexpired right to give notice of appeal must be notified in writing by the Secretary of State, no later than 30th June 2011 of the new time limit.

The time limits governing appeals to the First-tier Tribunal in England and Wales are provided in the Tribunal Procedure (First-tier Tribunal) (War Pensions and Armed Forces Compensation Chamber) Rules 2008 (S.I. 2008/2686).

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