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

D R A F T S T A T U T O R Y I N S T R U M E N T S

2022 No.

PENSIONS, NORTHERN IRELAND

PENSIONS, SCOTLAND

The Pensions Appeal Tribunals (Late Appeal) (Amendment) Regulations 2022

Made - - - -	***
Coming into force - -	***

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(5) and 8(6) of the Pensions Appeal Tribunals Act 1943(**a**) and now vested in the Secretary of State(**b**).

In accordance with section 11A(5) of that Act(**c**) a draft of this instrument was laid before and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pensions Appeal Tribunals (Late Appeal) (Amendment) Regulations 2022.

(2) These Regulations come into force on the fourteenth day after the day on which they are made.

(3) These Regulations extend to Scotland and Northern Ireland.

Amendment of the Pensions Appeal Tribunals (Late Appeal) Regulations 2001

2.—(1) The Pensions Appeals Tribunal (Late Appeals) Regulations 2001(**d**) are amended as follows.

(**a**) 1943 c. 39 (6 & 7 Geo. 6).

(**b**) Section 8(5) was substituted by section 21 of the Armed Forces Act 2021 (c. 21). Section 8(5) confers power to make regulations on "the Minister"; the functions of the Minister now sit with the Secretary of State by virtue (successively) of articles 2(1)(c) and 5(4) of the Transfer of Functions (Ministry of Pensions) Order 1953 (S.I. 1953/1198), section 2 of the Ministry of Social Security Act 1966 (c. 20) and articles 2 and 5(4)(a) of the Secretary of State for Social Services Order 1968 (S.I. 1968/1699). Section 8(6) was inserted by section 21 of the Armed Forces Act 2021.

(**c**) Section 11A was inserted by section 5 of, and paragraphs 1 and 6 of Schedule 1 to, the Armed Forces (Pensions and Compensation) Act 2004 (c. 32), and was amended by article 9(1) of, and paragraphs 4 and 19 of Schedule 3 to, the Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833).

(**d**) S.I. 2001/1032; to which there are amendments not relevant to these Regulations.

(2) For regulation 3 (provision for late appeals), substitute—

"**3.**—(1) Subject to paragraph (2), where an appeal is not brought within the time limit, it will be treated as having been brought in time if the Secretary of State does not object.

(2) No appeal may be brought more than twelve months after the expiry of the time limit.

(3) Where the Secretary of State objects to an appeal being treated as having been brought in time, the Tribunal may allow that appeal to be brought not later than twelve months after the expiry of the time limit if it is satisfied that it is in the interests of justice to do so.".

(3) Regulation 4 (prescribed circumstances) is revoked.

Name
Parliamentary Under Secretary of State
Ministry of Defence

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pensions Appeal Tribunals (Late Appeals) Regulations 2001 (S.I. 2001/1032) ("the 2001 Regulations").

The 2001 Regulations relate to war pensions and armed forces compensation schemes and the circumstances in which a Pensions Appeal Tribunal for Scotland or Northern Ireland may, under the Pensions Appeal Tribunals Act 1943 (c. 39 6 and 7 Geo. 6), hear a late appeal against a decision by the Secretary of State. A late appeal is one which is brought more than twelve months after the date of the Secretary of State's decision, but within twenty-four months of it.

Regulation 2 amends the 2001 Regulations by substituting a new regulation 3. New regulation 3 provides:

(a) that a late appeal will be treated as made in time if the Secretary of State does not object;

(b) that a Tribunal may allow a late appeal even if the Secretary of State does object, where it is satisfied that it is in the interests of justice to do so; and

(c) for the revocation of regulation 4 of the 2001 Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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