EXPLANATORY MEMORANDUM TO

THE PENSIONS APPEAL COMMISSIONERS (PROCEDURE) (NORTHERN IRELAND) (AMENDMENT) REGULATIONS 2009

2009 No. 459

1. 1.1 This explanatory memorandum has been prepared by the Ministry of Justice (Northern Ireland Court Service) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument makes minor technical amendments to the Pensions Appeal Commissioners (Procedure) (Northern Ireland) Regulations 2005 ("the principal Regulations") to correct drafting errors following recommendation by the Joint Committee on Statutory Rules (Fourth Report of Session 2005-06).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 All of the amendments to the principal Regulations are made in response to points raised by the Joint Committee on Statutory Instruments (JCSI) in its Fourth Report of Session 2005-06.

4. Legislative Context

4.1 The principal Regulations set out the arrangements under which the Northern Ireland Social Security Commissioners (known for the purposes of the draft Regulations as the "Pensions Appeal Commissioners") will deal with applications for leave to appeal from a decision of the Pensions Appeal Tribunal; appeals from a decision of the Tribunal; and applications for leave to appeal from a decision of the Commissioners to the Court of Appeal.

4.2 The purpose of these Regulations is to correct drafting errors contained in the principal Regulations to ensure they are technically correct. As these are technical amendments the delay has not acted as a barrier to the effective operation of the principal Regulations.

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland.

6. European Convention on Human Rights

6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 This instrument makes a number of minor technical amendments to the Pensions Appeal Commissioners (Procedure) (Northern Ireland) Regulations 2005 in order to correct errors in drafting.

8. Consultation outcome

8.1 No consultation on these Regulations was necessary.

9. Guidance

9.1 These Regulations will be published on the Northern Ireland Court Service website.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The operation of the Regulations will be kept under review by the Northern Ireland Court Service.

13. Contact

13.1 Maria Dougan at the Northern Ireland Court Service Tel: 028 9041 2319 or email: MariaDougan@courtsni.gov.uk can answer any queries regarding the instrument.