STATUTORY INSTRUMENTS

2006 No. 2893

PENSIONS

The Pensions Appeal Tribunals (Additional Rights of Appeal) (Amendment) Regulations 2006

Made - - - - 30th October 2006

Coming into force in accordance with regulation 1(1)

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 5A(2) of the Pensions Appeal Tribunals Act 1943(**a**) and now vested in him(**b**);

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pensions Appeal Tribunals (Additional Rights of Appeal) (Amendment) Regulations 2006 and shall come into force on the day after the day on which they are made or on 26th July 2006, whichever is the later.

(2) In these Regulations "the principal Regulations" means the Pensions Appeal Tribunals (Additional Rights of Appeal) Regulations 2001(**c**) and, except where the context otherwise requires, a reference to a numbered regulation or Schedule, is a reference to the regulation or Schedule in the principal Regulations which bears that number.

Amendments

2. The amendments to the principal Regulations set out in the Schedule to these Regulations shall have effect.

(**a**) 1943 c.39. Section 5A was inserted by section 57 of the Child Support, Pensions and Social Security Act 2000 (c.19). It was later amended by paragraph 2 of Schedule 1 and by Schedule 3 to the Armed Forces (Pensions and Compensation) Act 2004 (c.32).

(**b**) The functions of the Minister were transferred to the Secretary of State for Social Services by virtue of 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, Schedule 2. 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 2001, S.I. 2001/3506, article 2(a).

(**c**) S.I. 2001/1031, to which there are amendments not relevant to these Regulations.

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

30th October 2006

SCHEDULE

Regulation 2

Amendments to the principal Regulations

Amendment to the principal Regulations – regulation 2

1. In regulation 2, after the definition of "the Service Pensions Order", there shall be inserted—

" "the 2006 Service Pensions Order" means the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006;(**a**)".

Amendment to the principal Regulations – regulation 3

2. After regulation 3, there shall be inserted, as regulation 3A—

"New appeal rights: the 2006 Service Pensions Order

3A.—(1) Each decision—

(a) which is made in exercise of any provision of the 2006 Service Pensions Order listed in Schedule 1A; and

(b) which—

(i) refuses or discontinues an award;

(ii) establishes or varies the amount of an award; or

(iii) establishes or varies the date from which an award has effect,

shall be a specified decision.

(2) Any decision as to the amount to be deducted from an award by virtue of any of the following provisions of the 2006 Service Pensions Order—

(a) article 50 (payment of public claims out of pensions);

(b) article 52 (adjustment of awards in respect of other compensation); or

(c) article 56 (abatement of awards in respect of social security benefits),

shall be a specified decision.".

Amendment to the principal Regulations – new Schedule 1A

3. After Schedule 1, there shall be inserted, as Schedule 1A, the following new Schedule—

"SCHEDULE 1A

Regulation 3A

The 2006 Service Pensions Order: List of Provisions

Article

(**a**) S.I. 2006/606.

8	Constant attendance allowance
9	Exceptionally severe disablement allowance
10	Severe disablement occupational allowance
11	Clothing allowance
12	Unemployability allowance
13	Invalidity allowance
14	Comforts allowance
15	Allowance for lowered standard of occupation
16	Age allowance
17	Treatment allowance
18	Abstention from work following treatment in a hospital or similar institution
19	Part-time treatment allowance
20	Mobility Supplement
23(2)	Supplementary pension to surviving spouses and surviving civil partners of members of the armed forces whose service terminated before 31st March 1973
24	Pensions to dependants who lived as spouses and dependants who lived as civil partners
25	Rent allowance to surviving spouses, surviving civil partners, dependants who lived as spouses and dependants who lived as civil partners, who have children
26	Elderly persons allowance
27	Temporary allowances
28	Allowances for children under the child's age limit
29	Pensions for orphans under the child's age limit
30	Award for children who have attained the child's age limit
31	Awards to or in respect of ineligible members of the families of unemployable pensioners
32	Funeral expenses
33	Relationships subsequent to the award of pension
46 and Schedule 3	Commencing dates of awards
53	Maintenance in a hospital or an institution
54	Chelsea pensioners
55	Children whose maintenance is otherwise provided for
57	Forfeiture of pensions etc.
58	Refusal of treatment
59	Serious negligence or misconduct
60	Failure to draw pension
66	Cancellation – failure to comply with request
71(2) and Schedule 4	Revocations, general and transitory provisions".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pensions Appeal Tribunals (Additional Rights of Appeal) Regulations 2001 by providing that certain decisions made under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 are specified decisions, for the purpose of section 5A of the Pensions Appeal Tribunals Act 1943. Consequently, such decisions attract a right of appeal to the Pensions Appeal Tribunal.

A full regulatory impact assessment has not been produced for this instrument as it has no significant impact on the costs of business, charities or voluntary bodies.

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