STATUTORY INSTRUMENTS

1978 No. 607

PENSIONS

The Pensions Appeal Tribunals (England and Wales) (Amendment) Rules 1978

Made - - - -	19*th April* 1978
Laid before Parliament	28*th April* 1978
Coming into Operation	23*rd May* 1978

The Lord Chancellor, in exercise of the powers conferred on him by paragraph 5 of the Schedule to the Pensions Appeal Tribunals Act 1943**(a)**, as amended by the Administration of Justice Act 1977**(b)**, and after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971**(c)**, hereby makes the following Rules:

1. These Rules may be cited as the Pensions Appeal Tribunals (England and Wales) (Amendment) Rules 1978 and shall come into operation on 23rd May 1978.

2. The Pensions Appeal Tribunals (England and Wales) Rules 1971**(d)**, as amended **(e)**, shall be further amended as follows:—

(1) in rule 27 (which provides for the payment of allowances)—

(*a*) for paragraph (1) there shall be substituted the following paragraph:

"(1) In addition to any expenses and allowances payable by the tribunal by virtue of paragraph 7A of the Schedule to the Act, there may be allowed—

(*a*) to an appellant who is examined by a medical specialist pursuant to arrangements made by the tribunal under rule 15(2);

(*b*) to a witness other than a medical witness who attends the hearing, where before the hearing an application is made to the President or Chairman of the tribunal and he certifies that in the exceptional circumstances of the case the attendance of the witness is necessary;

(a) 1943 c. 39.
(b) 1977 c. 38.
(c) 1971 c. 62.
(d) S.I. 1971/769.
(e) The relevant amending instruments are S.I. 1971/1856, 1972/1466, 1973/1346, 1974/1764, 1975/1188, 1782.

the travelling expenses actually and reasonably incurred by him for the purpose of undergoing the medical examination or attending the tribunal, as the case may be, and an allowance in respect of subsistence not exceeding in amount whichever of the allowances specified in Part I of Schedule 2 is appropriate in his case.";

(*b*) paragraphs (2) and (3) shall be omitted;

(*c*) the following paragraph shall be inserted after paragraph (1):

"(2) Where the appeal is successful, and where the appeal was not successful but the Chairman certifies that there were reasonable grounds for the appeal, there may be allowed to an appellant or witness to whom an allowance may be made under paragraph (1) such additional sum as compensation for loss of time as the Chairman thinks reasonable, not exceeding the sum of £10·75 per day (£5·38 per half day).";

(2) in rule 30 (which relates to the expenses of medical and other experts) the following words shall be added at the end of paragraph (3):—

"Provided that the sum payable for providing a copy of a document or set of documents shall not exceed £1·25 in respect of each copy or set of copies.";

(3) in rule 31 (which relates to claims for expenses) after the word "expenses" there shall be inserted the words "or allowances" and the words "under rule 27 or 30" shall be omitted;

(4) in Schedule 2 (which prescribes the level of subsistence allowances and expenses) for Part I there shall be substituted the following:

"PART I

1. The maximum subsistence allowance payable to an appellant or witness under paragraph (1) of rule 27 shall be—

(*a*) for an absence from home for a period of 2½ hours or more but less than 5 hours consecutively, £0·48, or for a period of 5 hours or more but less than 10 hours consecutively, £0·95, or for a period of 10 hours or more consecutively, £2·20;

(*b*) instead of any sum payable under paragraph (*a*)—

(i) for each night spent within 5 miles of Charing Cross, £12·40;

(ii) for each night spent elsewhere, £10·95.

2. When the appellant or witness is absent from home for more than 24 hours he shall be entitled to a further allowance calculated in accordance with the foregoing provisions for periods of absence during each successive period of 24 hours.".

Elwyn-Jones, C.

Dated 19th April 1978.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make further amendments to the Pensions Appeal Tribunals (England and Wales) Rules 1971. The principal alterations are:—

(i) Rule 27 is revised so that in addition to any expenses and allowances payable under the Pensions Appeal Tribunals Act 1943, as amended, allowances for travel, subsistence and loss of time may also be paid to appellants undergoing a medical examination and witnesses (other than medical witnesses) whose attendance is necessary.

(ii) Part I of Schedule 2 is revised so as to increase the level of allowances payable under rule 27.

(iii) Rule 30 is modified, so that a maximum fee of £1·25 is payable for a copy of a document or set of documents provided by a medical expert, hospital or other institution.

SI 1978/607
ISBN 0-11-083607-3

