EXPLANATORY MEMORANDUM TO THE PENSION APPEAL TRIBUNALS (NORTHERN IRELAND) (AMENDMENT) RULES 2005

S.R. 2005 No. 108

1. This Explanatory Memorandum has been prepared by the Office of the Lord Chief Justice of Northern Ireland, after a memorandum prepared by the Department for Constitutional Affairs, and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The attached Rules amend the Pensions Appeal Tribunals (Northern Ireland) Rules 1981 (S.R. 1981/231) to reflect changes made in the Armed Forces (Pensions and Compensation) Act 2004 to the route of onward appeal from the Pensions Appeal Tribunal.

2.2 Appeals on a point of law from the Pensions Appeal Tribunal ('PAT') currently go to the Northern Ireland Court of Appeal. From 6 April 2005 these appeals will go to the Social Security Commissioners.

2.3 Implementation of the new path of appeal requires changes to the PAT's procedural Rules. For example, the old Rule 24 dealing with appeals to the High Court has been replaced with a Rule governing appeals to a Social Security Commissioner.

2.4 Some changes have been made to help standardise appeals from the PAT with other appeals that currently go to the Commissioners. For example, Rule 18 requires a PAT Chairman to record a statement of reasons for their decision, which is a prerequisite for appeals to a Commissioner.

2.5 Commissioners hearing appeals on decisions of the PAT will be known as 'Pensions Appeal Commissioners' to recognise the special status of armed service appellants and distinguish the appeals from general matters of social security.

3. Matters of Special Interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The Armed Forces (Pensions and Compensation) Act received Royal Assent in November 2004. The Act introduces a new pensions and compensation scheme for the armed forces, and replaces the Court of

Appeal with the Social Security Commissioners as the onward point of appeal from decisions of the PAT.

5. Extent

5.1 This instrument applies only to Northern Ireland but closely follows instruments for England and Wales and Scotland.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy Background

7.1 The Government is undertaking a wide-ranging reform of the UK's Tribunal system. The recent White Paper: *Transforming Public Services: Complaints, Redress and Tribunals* sets out an agenda for change.

7.2 One recommendation of the White Paper is appeals from first instance Tribunals (such as the Pensions Appeal Tribunal) should go to an appellate Tribunal (such as the Social Security Commissioners) before recourse to the Courts. This promotes fast and efficient justice in the user-friendly environment of a Tribunal.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. The Cabinet Office did not consider a Regulatory Impact Assessment necessary for introduction of the Armed Forces (Pensions and Compensation) Bill.

9. Contact

9.1 Brian Sherrard, Legal Secretary to the Lord Chief Justice of Northern Ireland (telephone 028 90724616; email briansherrard@courtsni.gov.uk) can answer any queries about this instrument.