STATUTORY INSTRUMENTS

1975 No. 1764 (S.245)

PENSIONS

The Pensions Appeal Tribunals (Scotland) (Amendment No. 2) Rules 1975

Made - - - -	*28th October* 1975
Laid before Parliament	*7th November* 1975
Coming into Operation	*2nd December* 1975

The Lord President of the Court of Session, in exercise of the powers conferred on him by paragraph 5(4) of the Schedule to, as read along with section 13 of the Pensions Appeal Tribunals Act 1943**(a)** and after consultation with the Council on Tribunals, in accordance with section 10 of the Tribunals and Inquiries Act 1971**(b)**, hereby makes the following Rules:—

1. These Rules may be cited as the Pensions Appeal Tribunals (Scotland) (Amendment No. 2) Rules 1975 and shall come into operation on 2nd December 1975.

2. The Pensions Appeal Tribunals (Scotland) Rules 1971**(c)** as amended**(d)** shall be further amended as follows:—

(1) in Rule 29—

(*a*) in paragraph (1) for the figures "£5.25" and "£17.25" there shall be substituted the figures "£17.40" and "£34.80" respectively;

(*b*) for paragraph (2) there shall be substituted the following paragraphs:—

"(2) Where the tribunal summon an expert or other witness—

(*a*) the tribunal may direct the payment to such witness of a fee not exceeding £17.40; and

(*b*) in a case where the tribunal consider a fee exceeding that amount to be appropriate, the President may direct the payment to such witness of such fee, being a fee exceeding that amount but not exceeding £34.80, as he may think reasonable.

(3) Where the tribunal obtain from a medical practitioner, a hospital or other institution a report, certificate or other documentary information relating to an appeal, the President may direct payment to be made in respect of a report, certificate or other documentary information so obtained to the medical practitioner, hospital or institution providing it, of such sum, not exceeding £34.80, as he may think reasonable".

(a) 1943 c. 39. **(b)** 1971 c. 62. **(c)** S.I. 1971/2124 (1971 III, p. 6250).
(d) S.I. 1972/1783, 1973/1714, 1974/1968, 1975/519 (1972 III, p. 5153; 1973 III, p. 5218; 1974 III, p. 6781; 1975 I, p. 1705).

(2) in Schedule 2 Part I (which relates to subsistence allowances to appellants, etc.) for paragraph 1 there shall be substituted the following paragraph:—

"1. The maximum allowance payable under paragraph (1) of Rule 26 to an appellant or other person absent from home for the purpose of attending the tribunal or undergoing a medical examination shall be—

(*a*) for a period of two and a half hours or more but less than five hours consecutively, £0.33, or for a period of five hours or more but less than ten hours consecutively, £0.65, or for a period of ten hours or more consecutively, £1.55; or

(*b*) for absence overnight, for each period of twenty-four hours or part thereof, £7.70".

(3) in Schedule 2, Part II (which relates to expenses of medical evidence) in paragraph 1(*a*), for the figures "£7.35" and "£17.25" there shall be substituted the figures "£17.40" and "£34.80" respectively and in paragraph 2, for the figures "£15.75" there shall be substituted the figures "£34.80".

G. C. Emslie,

Edinburgh.
28th October 1975.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the Pensions Appeal Tribunals (Scotland) Rules 1971:—

(1) by increasing the fees and expenses which the Tribunal may allow to medical specialists, practitioners and other technical experts and the expenses which may be allowed to appellants in respect of medical witnesses and reports, and

(2) by increasing the rates of subsistence allowances payable to appellants and others.

SI 1975/1764
ISBN 0-11-051764-4

