STATUTORY INSTRUMENTS

1986 No. 373 (S. 27)

PENSIONS

The Pensions Appeal Tribunals (Scotland) (Amendment) Rules 1986

Made - - - -	*26th February* 1986
Laid before Parliament	*11th March* 1986
Coming into Operation	*1st April* 1986

The Lord President of the Court of Session, in exercise of the powers conferred on him by paragraph 5 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:—

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Pensions Appeal Tribunals (Scotland) (Amendment) Rules 1986 and shall come into operation on 1st April 1986.

(2) In these rules the expression "the rules" means the Pensions Appeal Tribunals (Scotland) Rules 1981(**c**).

Amendments to the rules

2. In the rules,—

(a) in rule 5—

(i) in paragraph (4), for the words "The appellant" substitute the words "Except where the appellant is resident outside the United Kingdom, he";

(ii) in paragraph (6), after the words "28 days," insert the words "(or, where the appellant is resident outside the United Kingdom, at the expiration of such period as may be allowed by the President),";

(b) in rule 20, after the words "Subject to" insert the words "rule 20A or";

(c) after rule 20 insert the following rule:—

"Appellent resident abroad

20A.—(1) This rule applies to an appeal where —

(a) an appellant is resident outside the United Kingdom, and

(b) his appeal has been directed to be heard by a tribunal appointed for Scotland.

(a) 1943 c. 39; the Schedule was amended by the Administration of Justice Act 1985 (c.61), section 59.

(b) 1971 c.62.

(c) S.I. 1981/500.

(2) The appeal shall, subject to this rule, be heard in the absence of the appellant.

(3) When the appeal is ready for hearing, the Pensions Appeal Office shall so notify the appellant and specify a period for the purposes of paragraph (4).

(4) The appellant may within that period request that the appeal should not be heard before a specified date on the ground that on that date he will be available to attend the appeal.

(5) The President may grant the request and may give such further directions for the hearing of the appeal as he thinks fit.

(6) In an entitlement appeal the President may, and in an assessment appeal the President shall, unless he certifies that it is not practicable to do so, make arrangements for the appellant to be medically examined at some convenient place in the country in which he is resident.

(7) Where such an arrangement is made, the appeal shall not proceed until a medical report on the examination has been received in the Pensions Appeal Office and a copy has been sent to the appellant or his representative, and to the Secretary of State.".

Emslie,
Lord President.

Edinburgh.
26th February 1986.

EXPLANATORY NOTE

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

Under the Administration of Justice Act 1985 (c.61) the President of the Pensions Appeal Tribunals (England and Wales) may in certain circumstances direct that an appeal by an appellant resident abroad may be heard by the Scottish Tribunals. These rules amend the Pensions Appeal Tribunals (Scotland) Rules 1981 to make provision for the procedure in an appeal where such a direction has been made.

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