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THE SUPERANNUATION ACT 1984

The Judicial Pensions (Appeals) Regulations 1995

Coming into force

1st November 2004

In exercise of the powers conferred on the Civil Service Commission by section 1 of the Superannuation Act 1984¹, and of all other enabling powers, the following Scheme is hereby made:—

Title and commencement

1. These Regulations may be cited as the Judicial Pensions (Appeals) Regulations 1995 and shall come into force on 1 November 2004.

Interpretation

2. In these Regulations —

“the 1993 Act” means the Judicial Pensions and Retirement Act 1993(1);

Application of Regulations

3. These Regulations shall apply to any appeal brought under the following enactments —

- (a) section 20 of the Judicial Pensions and Retirement Act 1993;
- (b) section 32A of the Judicial Pensions Act 1981;
- (c) –(j) Omitted

Notice of appeal

4. The appellant shall bring his appeal by giving a notice of appeal in writing to the Chief Secretary.

Time limits in relation to the notice of appeal

5.—(1) The appellant must give the notice of appeal to the Chief Secretary not later than two months after the date on which the administrators notify him of the decision against which he appeals.

¹ 1984 c.8

(2) The Chief Secretary may extend the time limit mentioned in paragraph (1), if he thinks it appropriate to do so in an individual case.

(3) The Chief Secretary shall, no later than 7 days after the date of the arrival of the notice of appeal in his office, send a copy of that notice, together with any documents annexed to it, to the administrators.

Form of notice of appeal

6.—(1) The notice of appeal shall state —

(a) the grounds of the appeal with sufficient particulars to show why the appellant is aggrieved by the decision; and

(b) the full name of the appellant and the address to be used for service on him of any documents in connection with the appeal.

(2) The notice of appeal shall be signed by or on behalf of the appellant.

Documents to be annexed to notice of appeal

7.—(1) In any case where the appellant wishes to rely on any documents for the purposes of his appeal, those documents, or a copy of them, shall be attached to the notice of appeal.

(2) In a case where a copy of a document has been attached to the notice of appeal, the Chief Secretary may, if he thinks that it is necessary, request the appellant to send to him the original of that document.

Amendment of appeal and request for further particulars

8.—(1) The Governor may, at any time before he decides the appeal —

(a) permit an appellant to amend his grounds of appeal;

(b) request an appellant to provide further particulars of any matter referred to in his notice of appeal; and

(c) request an appellant to produce documents relevant to those further particulars.

(2) The Governor may specify a time limit for receipt of any such further particulars or documents.

(3) The Governor shall send to the administrators any such further particulars or documents no later than 7 days after the date of their arrival in his office.

Withdrawal of appeal

9.—(1) The appellant may, at any time before the Governor decides his appeal, withdraw his appeal, by giving to the Governor a notice in writing stating that he withdraws his appeal signed by him or on his behalf.

(2) The Governor shall notify the administrators of any such withdrawal no later than 7 days after the date of its arrival in his office.

SCHEDULE
PROVISIONS CONFERRING POWERS EXERCISED IN MAKING
THESE REGULATIONS

PART I

Judicial Pensions and Retirement Act 1993, section 20(4)

Judicial Pensions Act 1981, section 32A(4)

PART II

Sheriffs' Pensions (Scotland) Act 1961, section 9A(3)

PART III

Superannuation Act 1972, section 13(6)

Parliamentary Commissioner Act 1967, Schedule 1, paragraph 4

Parliamentary Commissioner Act (Northern Ireland) 1969, Schedule 1A, paragraph 4

National Health Service Act 1977, section 107

National Health Service (Scotland) Act 1978, section 91

Audit (Northern Ireland) Order 1987, article 4A(5)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the manner in which, and time within which, appeals under section 20 of the Judicial Pensions and Retirement Act 1993 and other enactments specified in the Regulations, against decisions of the administrators of certain judicial and other pension schemes are to be brought.