
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Child Support Appeal Tribunals (Procedure) Regulations (Northern Ireland) 1993 (“the Appeal Regulations”) and the Social Security (Adjudication) Regulations (Northern Ireland) 1995 (“the Adjudication Regulations”) to make certain changes to the procedure of child support appeal tribunals, social security appeal tribunals, disability appeal tribunals and medical appeal tribunals.

The Appeal Regulations and the Adjudication Regulations are amended to—

- (a) include requirements for the information to be provided in connection with an appeal (regulations 2(2) and 3(4));
- (b) specify the circumstances in which the chairman or the clerk to the tribunal may give directions as to procedure (regulations 2(3) and 3(3));
- (c) amend the circumstances in which a tribunal chairman may strike out an appeal for want of prosecution, the procedure for striking out, and the circumstances in which an appeal which has been struck out may be reinstated (regulations 2(4) and 3(8));
- (d) allow a party to the proceedings to withdraw a claim before a hearing without consent in certain circumstances (regulations 2(5) and 3(7));
- (e) allow the clerk to the tribunal to deal with requests for hearings to be postponed and to postpone hearings of his own motion (regulations 2(6) and 3(6));
- (f) provide that, unless the chairman requires an oral hearing, an oral hearing of an appeal or reference shall be held only on the request of a party to the proceedings, and specify how such a request is to be made (regulations 2(7) and 3(10), (12)(a) and (13)(a));
- (g) amend the provisions on the form and promulgation of tribunal decisions (regulations 2(8) and 3(11), (12)(b) and (c) and (13)(b) and (c)); and
- (h) amend the provisions on setting aside tribunal decisions to reflect the new provisions on oral hearings (regulation 2(9) and 3(9)).

The Adjudication Regulations are also amended to—

- (a) insert a definition of “clerk to the tribunal” (regulation 3(2)); and
- (b) reduce the minimum period for notice of an oral hearing, provide that in certain circumstances a tribunal chairman may direct that an appeal be determined forthwith, and provide that a party to the proceedings may waive the right to be given notice (regulation 3(5)).

Regulation 4 makes a saving provision in respect of certain provisions of the Appeal Regulations and the Adjudication Regulations

Regulation 5 makes consequential revocations.

These Regulations correspond to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.