
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 162

The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999

PART V

**APPEAL TRIBUNALS FOR SOCIAL SECURITY,
CONTRACTING-OUT OF PENSIONS AND CHILD SUPPORT**

CHAPTER I

The panel and appeal tribunals

Persons appointed to the panel

35. For the purposes of Article 7(3), the panel shall include persons with the qualifications specified in Schedule 2.

Composition of appeal tribunals

36.—(1) Subject to the following provisions of this regulation, an appeal tribunal, including an appeal tribunal determining a misconceived appeal as a preliminary issue in accordance with regulation 48, shall consist of a legally qualified panel member.

(2) Subject to paragraphs (3) to (5), an appeal tribunal shall consist of a medically qualified panel member and a legally qualified panel member where—

- (a) the issue, or one of the issues, raised on the appeal relates to—
 - (i) incapacity benefit under section 30A of the Contributions and Benefits Act⁽¹⁾,
 - (ii) industrial injuries benefit under Part V of that Act, or
 - (iii) severe disablement allowance under section 68 of that Act⁽²⁾; or
- (b) the appeal is made under Article 13(1)(b) of the Recovery of Benefits Order.

(3) An appeal tribunal shall consist of a financially qualified panel member and a legally qualified panel member where—

- (a) the issue, or one of the issues, raised on the appeal or referral, relates to child support or a relevant benefit; and
- (b) the appeal or referral may require consideration by members of the appeal tribunal of issues which are, in the opinion of the President, difficult and which relate to—

(1) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I.1994/1898 (N.I. 12))

(2) Section 68 was amended by Article 11 of, and paragraph 18 of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and regulation 2(2) of S.R. 1994 No. 370

- (i) profit and loss accounts, revenue accounts or balance sheets relating to any enterprise,
- (ii) an income and expenditure account in the case of an enterprise not trading for profit, or
- (iii) the accounts of any trust fund.

(4) Where the composition of an appeal tribunal would fall to be prescribed under both paragraphs (2) and (3), it shall consist of a medically qualified panel member, a financially qualified panel member and a legally qualified panel member.

(5) Where the composition of an appeal tribunal is prescribed under paragraph (1), (2) or (3), the President may determine that the appeal tribunal shall include such an additional member drawn from the panel as he considers appropriate for the purposes of providing further experience for that additional member or assisting the President in the monitoring of standards of decision-making by panel members.

(6) An appeal tribunal shall consist of a legally qualified panel member, a medically qualified panel member and a panel member with a disability qualification in any appeal which relates to an attendance allowance or a disability living allowance under Part III of the Contributions and Benefits Act or a disability working allowance under section 128 of that Act⁽³⁾.

Assignment of clerks to appeal tribunals

37. The Department shall assign a clerk to service each appeal tribunal and the clerk so assigned shall be responsible for summoning members of the panel to serve on the tribunal.

⁽³⁾ Section 128 was amended by Article 12 of, and paragraph 32 of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and paragraph 17 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. [1995/2705](#) (N.I. 15))