

Given under the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 29th day of July, nineteen hundred and fifty-eight.

(L.S.)

H. A. Lowry,

Assistant Secretary to the Ministry of
Labour and National Insurance for Northern Ireland.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of July, nineteen hundred and fifty-eight.

(L.S.)

W. W. Arthur,

Assistant Secretary to the Ministry of
Finance for Northern Ireland.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations amend the National Insurance (Airmen) Regulations (Northern Ireland), 1948, by extending the provisions of those regulations, which make exceptions from disqualification for receipt of sickness benefit by reason of absence from Northern Ireland, and by applying those provisions to certain persons who travel to commence employment as aircrew abroad. They provide that the provisions of those regulations which suspend payment of benefit to airmen while absent from Northern Ireland shall cease to have effect. The remaining alterations are of a minor and consequential character.

Determination of Claims and Questions Amendment Regulations (Northern Ireland), 1958

REGULATIONS, DATED 7TH OCTOBER, 1958, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1958. No. 159

[C]

The Ministry of Labour and National Insurance, in exercise of powers conferred by section 40 of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Determination of Claims and Questions) Amendment Regulations (Northern Ireland), 1958, shall be read as one with

(a) 1946. c. 23.

the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(a), (hereinafter referred to as "the principal regulations") and shall come into operation on the 10th November, 1958.

Amendment of regulations 10 to 16 of the principal regulations

2. For regulations 10 to 16 of the principal regulations there shall be substituted the following regulations:—

"Submission of questions to insurance officers

10.—(1) The Ministry shall submit forthwith any question as to the right to benefit to an insurance officer, who shall take the question into consideration, and, so far as practicable, dispose of the question in accordance with the provisions of these regulations within fourteen days of the question being submitted to him.

(2) An insurance officer may, subject to the provisions of regulation 23,—

- (a) decide the question in favour of the claimant; or
- (b) decide the question adversely to the claimant; or
- (c) refer the question to a local tribunal.

(3) Where an insurance officer has decided any question adversely to a claimant, the claimant shall be notified in writing of the decision and the reasons therefor and of his right of appeal from the decision to a local tribunal in accordance with regulation 11.

(4) Where an insurance officer refers a question to a local tribunal in accordance with the provisions of sub-paragraph (c) of paragraph (2) of this regulation, notice in writing of such reference shall be given to the claimant.

Appeals to local tribunals

11.—(1) Subject to the provisions of this regulation, where an insurance officer has decided a question adversely to the claimant, the claimant may appeal to a local tribunal from the decision of the insurance officer:

Provided that where one of the questions mentioned in paragraph (1) of regulation 2, or in subsection (2) of section 40 of the Act, has arisen in connection with the decision of an insurance officer, and has been determined, and an insurance officer certifies that that determination is the sole ground of the decision, no appeal shall lie without leave of the chairman of the local tribunal.

(2) An appeal against a decision of an insurance officer shall be brought by giving notice of appeal within twenty-one

(a) S.R. & O. (N.I.) 1948, No. 185 as amended by reg. 13 of, and Third Schedule to, National Insurance (Death Grant) Regulations (Northern Ireland), 1949 (S.R. & O. (N.I.) 1949, No. 142); S.R. & O. (N.I.) 1951, No. 157; reg. 21 of, and Second Schedule to, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953 (S.R. & O. (N.I.) 1953, No. 123); S.R. & O. (N.I.) 1956, No. 8; and S.R. & O. (N.I.) 1957, No. 169.

days after the date of that decision or within such further time as the chairman of the local tribunal may for good cause allow.

(3) A notice of appeal shall be given in writing at an office of the Ministry and shall contain a statement of the grounds upon which the appeal is made.

Hearings before local tribunals

12.—(1) A local tribunal shall hear any case of an appeal from the decision of an insurance officer or of a reference from an insurance officer.

(2) Reasonable notice of the time and place of the hearing by a local tribunal shall be given to the claimant, an insurance officer and to any other person who may appear to the chairman of the tribunal to be interested, and, except with the consent of the claimant, the local tribunal shall not proceed with the hearing of any case unless such notice has been given.

(3) If a claimant or other person to whom notice of hearing has been duly given in accordance with these regulations should fail to appear at such hearing and has not given a reasonable explanation for his absence, the tribunal may proceed to determine the case notwithstanding the absence of the claimant or that other person, or may give such directions with a view to the determination of the case as they may think proper.

13.—(1) The hearing by a local tribunal of any appeal or reference shall be in private if the chairman so directs on the grounds that in his opinion intimate personal or financial circumstances may have to be disclosed or that considerations of public security are involved.

(2) Except as aforesaid, any hearing by a local tribunal shall be in public.

(3) Any person to whom notice of the hearing has been given in accordance with paragraph (2) of regulation 12 and any other person appearing to the tribunal to be interested shall be entitled to be heard at the hearing of any case by a local tribunal.

(4) Any person having the right to be heard who appears at a hearing by a local tribunal may call witnesses and shall be given an opportunity of putting questions directly to any witnesses called at the hearing.

(5) Any person having the right to be heard at the hearing of a case by a local tribunal may be represented by some other person whether having professional qualifications or not and, for the purposes of the proceedings at any such hearing, any such representative shall have all the rights and powers to which the person whom he represents is entitled under these regulations.

(6) Any person appearing to a local tribunal to be interested in any case being heard by the tribunal shall have the right to be present at the hearing notwithstanding that the hearing of the case is not in public.

(7) For the purpose of arriving at their decision or discussing any question of procedure, a local tribunal shall, notwithstanding anything in this regulation, order all persons not being members of the tribunal, other than the person acting as clerk to the tribunal, to withdraw from the sitting of the tribunal.

Decisions of local tribunals

14.—(1) A local tribunal shall—

- (a) record in writing all their decisions (whether on an appeal or on a reference from an insurance officer); and
- (b) include in the record of every decision a statement of the grounds of such decision and of their findings on questions of fact material thereto.

(2) The decision of the majority of a local tribunal shall be the decision of the tribunal, but, if a decision is not unanimous, a statement that one of the members dissented and the reason given by him for so dissenting shall be recorded by the tribunal.

(3) As soon as may be practicable after a case has been decided by a local tribunal, a copy of the record of their decision made in accordance with this regulation shall be sent to the claimant and to the insurance officer and to any other person who appears to the local tribunal to be interested and, if the decision of the tribunal is adverse to the claimant, he shall be informed of the conditions governing appeals to the Umpire.

Appeals to the Umpire from local tribunals

15.—(1) Subject as hereinafter provided, an appeal shall lie to the Umpire from any decision of a local tribunal at the instance of—

- (a) an insurance officer;
- (b) the claimant;
- (c) an association of employed persons, or any other association which exists to promote the interests and welfare of its members, where in either case—
 - (i) the claimant at the time of the appeal is a member of the association and was so immediately before the question at issue arose; or
 - (ii) the question at issue relates to the right to benefit by virtue of the insurance of a deceased person and that person was a member of the association at the time of his death.

(2) An appeal to the Umpire must be brought within three months from the date of the decision of the local tribunal, or such further period as the Umpire may in any case for special reasons allow, and such an appeal shall be brought by giving notice in writing in a form approved by the Ministry stating the grounds of the appeal—

- (a) in the case of an appeal by an insurance officer, to the claimant;

- (b) in the case of an appeal by the claimant or an association mentioned in sub-paragraph (c) of paragraph (1) of this regulation, to an insurance officer.

Procedure before Umpire

16.—(1) If any person to or by whom notice of appeal is given makes a request to the Umpire for an oral hearing of the appeal, the Umpire shall grant such request, unless, after considering the record of the case and the reasons put forward in the request for the hearing, he is satisfied that the appeal can properly be determined without a hearing, in which event he shall cause that person to be so informed in writing and may proceed to determine the case without a hearing.

(2) If, in accordance with the provisions of the last foregoing paragraph, a request for an oral hearing has been granted, or if, notwithstanding that no such request has been made, the Umpire is otherwise satisfied that an oral hearing is desirable, he shall cause reasonable notice of the time and place of the hearing to be given to every person to or by whom notice of appeal was given and, if he thinks fit, to any other person appearing to the Umpire to be interested.

(3) In any case in which an oral hearing of an appeal is held such hearing shall be in private if the Umpire so directs on the grounds that in his opinion intimate personal or financial circumstances may have to be disclosed or that considerations of public security are involved.

(4) Except as aforesaid, any hearing by the Umpire shall be in public.

(5) Any person to whom notice of the hearing has been given shall be entitled to appear and be heard at the hearing and to be represented thereat by—

(a) counsel or a solicitor; or

(b) a representative of any such association as is mentioned in sub-paragraph (c) of paragraph (1) of the last foregoing regulation; or

(c) (with the consent of the Umpire in any case) any other person.

(6) Any person having the right to be heard who appears at a hearing by the Umpire may call witnesses and shall be given an opportunity of putting questions directly to any witnesses called at the hearing.

(7) If any person to whom notice of the hearing has been duly given should fail to appear either in person or by representative at the hearing, the Umpire may proceed to determine the appeal notwithstanding the absence of any such person or representative or may give such directions with a view to the determination of the appeal as he thinks proper.

(8) If it appears to the Umpire that any appeal which is made to him involves a question of fact of special difficulty,

the Umpire may direct that in dealing with the appeal or any part thereof he shall have the assistance of an assessor or assessors.

(9) The Umpire may, if he thinks fit, refer any question arising for his decision to a registered medical practitioner for examination and report.

(10) The decision of the Umpire shall be in writing and signed by him, and he shall cause a copy thereof to be sent as soon as may be practicable to every person to or by whom notice of appeal was given and to any other person appearing to the Umpire to be interested."

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 7th day of October, 1958, in the presence of

(L.S.)

H. A. Lowry,

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations amend the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948, so as to provide for hearings by local tribunals and the Umpire to be held in private only if the chairman of the tribunal or the Umpire, as the case may be, is of the opinion that intimate personal or financial circumstances may have to be disclosed or that considerations of public security are involved. The regulations permit legal representation at hearings by local tribunals, and provide for appeal without leave to the Umpire from decisions of local tribunals.

Mariners Amendment Regulations (Northern Ireland), 1958

REGULATIONS, DATED 24TH JANUARY, 1958, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1958. No. 10

[C]

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of powers conferred by section 55 of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations: