

1971. No. 124

[C]

FAMILY INCOME SUPPLEMENTS**Appeal Tribunal**

RULES, DATED 27TH APRIL 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE SUPPLEMENTARY BENEFITS &C. ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in exercise of powers conferred by paragraph 6 of Schedule 3 to the Supplementary Benefits &c. Act (Northern Ireland) 1966(a), and of all other powers enabling it in that behalf, hereby makes the following rules being rules subject to negative resolution in accordance with section 38(2) of that Act:

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Family Income Supplements (Appeal Tribunal) Rules (Northern Ireland) 1971 and shall come into operation on 3rd May 1971.

(2) In these rules—

“the Act” means the Family Income Supplements Act (Northern Ireland) 1971(b);

“the Appeal Tribunal” has the same meaning as in section 7(3) of the Act;

“the appellant” means a person who has brought an appeal under the Act;

“the chairman” means the chairman of the Appeal Tribunal;

“the clerk” means the clerk to the Appeal Tribunal;

“determination” means a determination under the Act;

“interested persons” means the appellant, the Commission and a person whose right to receive benefit under the Act may be directly affected by the appeal, and references to an interested person shall be construed accordingly;

and other expressions have the same meanings as in the Supplementary Benefits &c. Act (Northern Ireland) 1966.

(3) Any notice or other document required or authorised to be given or sent to any person under the provisions of these rules, shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address; and in a case where both a man and a woman are members of the same family for the purposes of the Act, any such notice or document shall, unless in any case or class of cases the Ministry otherwise directs, be deemed to have been given or sent to both that man and that woman if it has been given or sent to one of them.

(a) 1966. c. 28 (N.I.).

(b) 1971. c. 8 (N.I.).

Time and manner of bringing appeals

2. An appeal against a determination made by the Commission, including a determination refusing to review a determination, shall be brought by giving notice of the appeal in writing at an office of the Ministry within twenty-one days of the notification of that determination, or within such further time as the chairman may for good cause allow, and the Appeal Tribunal shall, as soon as may be, hold an oral hearing.

Time and place of hearings before the Appeal Tribunal

3.—(1) Reasonable notice of the time and place of an oral hearing, together with copies of documents supplied to the Appeal Tribunal for the purposes of the appeal, shall be given to the interested persons by the clerk, and, except with the consent of the interested persons, the Appeal Tribunal shall not proceed with the hearing of any appeal unless such notice has been given.

(2) If any interested person to whom notice of an oral hearing has been duly given in accordance with the foregoing provisions of this rule should fail to appear at such hearing, the Appeal Tribunal may proceed to consider and determine the appeal notwithstanding the absence of that interested person, or may give such directions with a view to the consideration and determination of the appeal as, having regard to all the circumstances, including any explanation offered for the absence, they may think proper.

Procedure in absence of a member of the Appeal Tribunal and at an adjourned hearing

4.—(1) Any appeal may, unless an interested person objects, be proceeded with in the absence of any one member of the Appeal Tribunal other than the chairman.

(2) Subject to paragraph (1), where a hearing before the Appeal Tribunal is adjourned and at the adjourned hearing the Appeal Tribunal is differently constituted, the proceedings at the adjourned hearing shall be by way of a complete rehearing of the appeal.

Hearings before the Appeal Tribunal

5.—(1) Subject to paragraph (7), the clerk shall be present at all sittings of the Appeal Tribunal.

(2) An interested person shall be entitled to be present during an oral hearing, to be heard, to call persons to give evidence and to put questions directly to any other interested person who is present and to any person who gives evidence.

(3) An interested person who attends an oral hearing shall be entitled to be accompanied by not more than two persons, either or both of whom (whether having professional qualifications or not) may represent that interested person at such hearing, and an interested person who does not attend an oral hearing shall be entitled to be represented by not more than two persons (whether having professional qualifications or not) at such hearing, but, except with the consent of the Appeal Tribunal—

- (a) an interested person who attends an oral hearing may be accompanied by not more than two persons (whether attending as representatives of the interested person they accompany or otherwise); and
- (b) an interested person who does not attend an oral hearing may be represented by not more than two persons.

(4) A person representing an interested person at an oral hearing shall have all the rights of an interested person referred to in paragraph (2).

(5) Subject to paragraph (6), the chairman may allow not more than two persons (other than interested persons or persons accompanying or representing interested persons) to be present at any oral hearing if he is satisfied that they are persons who are genuinely engaged in research connected with appeals to Appeal Tribunals constituted in accordance with the provisions of Schedule 3 to the Supplementary Benefits &c. Act (Northern Ireland) 1966, or have other good and sufficient reasons for being present at an oral hearing before the Appeal Tribunal and if—

- (a) such persons have given the clerk reasonable notice in writing of their desire to be present and of their reasons for desiring to be present;
- (b) such persons have given the clerk a written undertaking not to make public any information they obtain while present at any oral hearing in such a way as is likely to enable interested persons (other than the Commission) to be identified by members of the public; and
- (c) the interested persons at any oral hearing who are present, who shall be informed of the desire of such persons to be present and of their reasons for desiring to be present before any hearing commences, do not object.

(6) Any persons who are allowed to be present at any oral hearing by virtue of the provisions of paragraph (5) shall take no part in the proceedings and may at any time be required by the Appeal Tribunal to withdraw from the hearing.

(7) For the purposes of discussing their determination on any matter, the Appeal Tribunal may order any person to withdraw.

(8) Subject to the provisions of the foregoing paragraphs of this rule, no member of the public shall be permitted to be present at any oral hearing of the Appeal Tribunal.

(9) Subject to the provisions of these rules, the procedure in connection with the consideration and determination of any appeal to the Appeal Tribunal shall be such as the chairman shall determine.

Determinations of the Appeal Tribunal

6.—(1) The Appeal Tribunal shall record every determination and provide a statement of the reasons therefor in writing and the determination on any matter of the majority of the Appeal Tribunal shall be the determination of the Appeal Tribunal.

(2) As soon as practicable after the Appeal Tribunal give their determination, copies of the determination and of the statement of the reasons, made in accordance with paragraph (1), shall be sent to the interested persons by the clerk.

Travelling and other allowances for persons attending before the Appeal Tribunal

7. The Ministry may pay travelling and other allowances (including compensation for loss of remunerative time) in respect of attendance at an oral hearing before the Appeal Tribunal to an interested person, to a person representing or accompanying an interested person and to a person called to give evidence, as the Ministry with the consent of the Ministry of Finance may determine.

Sealed with the Official Seal of the Ministry of Health and Social Services
for Northern Ireland this 27th day of April 1971.

(L.S.)

C. G. Oakes,
Assistant Secretary.

EXPLANATORY NOTE

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

These rules deal with the procedure relating to appeals to the Appeal Tribunal (hereinafter called "the Tribunal") from determinations made by the Supplementary Benefits Commission under the Family Income Supplements Act (Northern Ireland) 1971.

Rule 1 contains various definitions for the purposes of the rules; rule 2 relates to the time and manner in which appeals from determinations made by the Supplementary Benefits Commission under the Family Income Supplements Act (Northern Ireland) 1971 are to be brought; rule 3 relates to notice of the time and place of hearings by the Tribunal and to the powers of the Tribunal where a person fails to appear at a hearing; rule 4 relates to the circumstances in which the Tribunal may determine an appeal in the absence of a member of the Tribunal and to procedure at an adjourned hearing before a differently constituted Tribunal; rule 5 relates generally to procedure at hearings before the Tribunal; rule 6 relates to the recording of determinations made by the Tribunal and to the notifying of interested persons of such determinations; and rule 7 relates to the payment of travelling and other allowances to persons attending hearings before the Tribunal.

1971. No. 125

[C]

FAMILY INCOME SUPPLEMENTS**Computation**

REGULATIONS*, DATED 28TH APRIL 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE FAMILY INCOME SUPPLEMENTS ACT (NORTHERN IRELAND) 1971.

The Ministry of Health and Social Services, in exercise of powers conferred by sections 2(2) and 3(4) of the Family Income Supplements Act (Northern Ireland) 1971(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Income Supplements (Computation) Regulations (Northern Ireland) 1971 and shall come into operation on 3rd May 1971.

(2) In these regulations, "the Act" means the Family Income Supplements Act (Northern Ireland) 1971.

Amendment of section 2 of the Act

2. In section 2(1) of the Act (prescribed amount), for the references to "£15" there shall be substituted references to "£18·00".

Amendment of section 3 of the Act

3. In section 3(1) of the Act (amount of family income supplement), for the reference to "£3" there shall be substituted a reference to "£4·00".

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 28th day of April 1971.

(L.S.)

C. G. Oakes,
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations amend the Family Income Supplements Act (Northern Ireland) 1971 by substituting for the amount of £15 referred to in section 2(1) (the prescribed amount) and the amount of £3 referred to in section 3(1) (the maximum amount payable by way of a family income supplement) the higher amounts of £18·00 and £4·00 respectively.

(a) 1971. c. 8 (N.I.).

*These Regulations were approved by a resolution of each House of Parliament on 12th October 1971.