Dated this thirteenth day of July, 1959.

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

Dated this thirteenth day of July, 1959.

Graeme Finlay,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

ADMINISTRATION

1959 No. 1157

The Family Allowances (Determination of Claims and Questions) Regulations, 1959

Made - - - -	*2nd July*, 1959
Laid before Parliament	*8th July*, 1959
Coming into Operation	*13th July*, 1959

The Minister of Pensions and National Insurance, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of powers conferred by sections 43 and 47 of the National Insurance Act, 1946(**a**), and section 1 of the Family Allowances and National Insurance Act, 1959(**b**), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

Citation, interpretation and commencement

1.—(1) These regulations, which may be cited as the Family Allowances (Determination of Claims and Questions) Regulations, 1959, shall come into operation on the 13th July, 1959.

(2) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(3) In these regulations unless the context otherwise requires—

" the Family Allowances Act " means the Family Allowances Act, 1945(**c**) ;

" the National Insurance Act " means the National Insurance Act, 1946 ;

" the Act of 1959 " means the Family Allowances and National Insurance Act, 1959 ;

" the Minister " means the Minister of Pensions and National Insurance ;

" the Commissioner ", " local tribunal " and " insurance officer " have the same meaning as in the National Insurance (Determination of Claims and Questions) Regulations, 1948(**d**) ;

" allowance " means an allowance under the Family Allowances Act ;

" award " means an award of an allowance ;

" referee " means a referee appointed for the purposes of the Family Allowances Act ;

and other expressions have the same meaning as in the Family Allowances Act.

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 18. (c) 8 & 9 Geo. 6. c. 41.
(d) S.I. 1948/1144 (Rev. XVI, p. 331 : 1948 I, p. 2720).

(4) The Interpretation Act, 1889(a), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Application of provisions of the National Insurance (Determination of Claims and Questions) Regulations, 1948, to family allowances

2.—(1) Subject to the provisions of these regulations and in particular to the modifications in this regulation, the following provisions of the National Insurance (Determination of Claims and Questions) Regulations, 1948 (which provide for questions as to the right to benefit under the National Insurance Act to be determined by insurance officers or local tribunals, subject to appeal to the National Insurance Commissioner) that is to say, paragraphs (2) to (6) of regulation 1, regulations 8 to 17 and regulation 22 of those regulations as amended(b) (which regulations are set out in the Schedule hereto), shall apply in relation to the determination for the purposes of the Family Allowances Act of any question as to the right to an allowance in respect of any person for any family as they apply in relation to the determination for the purposes of the National Insurance Act of any question as to the right to benefit under that Act; and references in those regulations to a question as to the right to benefit shall be treated as including references to a question as to the right to an allowance and references to a claim or to a claimant shall be construed accordingly.

(2) Where any question arises which in accordance with the Schedule to the Family Allowances Act is to be decided in the Minister's discretion (that is to say, any question as to which of two or more persons is to be treated as maintaining a child or in which of two families a child is to be treated as included) that question shall be determined by the Minister; and the Minister may at any time and from time to time reconsider the exercise of his discretion and decide that question again with such other effect as may seem to him to be proper in the circumstances of the case.

Review of decisions of insurance officers, local tribunals and the Commissioner

3.—(1) Any decision under these regulations given by an insurance officer, a local tribunal or the Commissioner may be reviewed at any time by an insurance officer or, on a reference from an insurance officer, by a local tribunal if—

(*a*) he or they is or are satisfied, but not without fresh evidence in the case of a decision of the Commissioner, that the decision was given in ignorance of, or was based on a mistake as to, some material fact; or

(*b*) there has been any relevant change of circumstances since the decision was given; or

(*c*) the decision was based on a decision of the Minister given in the exercise of his discretion under the Schedule to the Family Allowances Act and a different decision has subsequently been given by the Minister in accordance with the provisions of these regulations.

(2) Any decision under these regulations given by an insurance officer may be reviewed at any time by an insurance officer or, on a reference from an insurance officer, by a local tribunal on the ground that the decision was erroneous in point of law.

(3) A question may be raised with a view to review in accordance with the foregoing paragraphs by means of an application in writing to an insurance officer, stating the grounds of the application.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1955/1788, 1958/701, 1959/848, 1154 (1955 I, p. 1583; 1958 II, p. 1573; 1959 I, pp. 1847, 1849).

(4) On receipt of any such application, the insurance officer shall proceed to deal with or refer any question arising thereon in accordance with these regulations.

(5) Any decision given on a review under this regulation, and any refusal to review a decision under this regulation, shall be subject to appeal in like manner as an original decision and the provisions of these regulations shall, subject to the necessary modifications, apply in relation to any decision given on a review as they apply to the original decision of a question.

Review of decisions involving payment of allowances

4.—(1) Where on review a decision is revised so as to make sums on account of an allowance payable the decision given on the review shall have effect as if a claim to the allowance had been made on the date of the application for the review and accordingly no sum on account of the allowance shall be payable in respect of any period earlier than six months before the date on which such application was made.

(2) For the purpose of this regulation, where a decision is reviewed at the instance of an insurance officer under the last foregoing regulation, the date on which it was first decided by the insurance officer that the decision should be reviewed shall be deemed to be the date of the application for the review.

Adjustment of sums paid on account of allowances

5.—(1) In any case in which—

(*a*) by virtue of an award sums have been paid on account of an allowance by reason of the inclusion of a child in one family (in this regulation referred to as "the first family"); and

(*b*) by a subsequent decision the child is found to be included in another family (in this regulation referred to as "the second family") during a period for which the sums were paid, and an award is made for the second family by reason of the inclusion of the child in that family; and

(*c*) either—

(i) during that period the conditions of the Family Allowances Act and regulations for the inclusion of the child in the first family would have been satisfied but for the inclusion of that child in the second family by virtue of the provisions of paragraphs 1, 2 or 3 of the Schedule to that Act; or

(ii) the sums paid for that period were paid to the person to whom arrears have become payable by reason of the inclusion of the child in the second family or, where that family is the family of a man and his wife living together, were paid to the man on account of an allowance for the family of that man as not having a wife or not living together with his wife;

the subsequent decision shall direct that the sums so paid shall be treated, in accordance with the next following paragraph, as having been properly paid for that period and that any arrears payable for that period or any part thereof by virtue of the award to the second family shall be reduced to the extent to which the sums so paid for that period or any part thereof for which the arrears are payable are directed to be treated as having been properly paid.

(2) For the purposes of ascertaining in any case the sums to be treated under this regulation as having been properly paid to the first family, that family shall be treated as including only any child in whose case during the said period the foregoing paragraph applies or the conditions for inclusion in that family were satisfied.

Repayment of sums paid as on account of allowances

6.—(1) Where on review or appeal a decision is revised or is reversed or varied so as to make sums on account of an allowance not properly payable, the decision given on the review or appeal shall require repayment of any sum paid as on account of an allowance in pursuance of the original decision from the person who was entitled to receive that sum in his or her own right to the extent to which such sum—

(*a*) would not have been payable if the decision on the review or appeal had been given in the first instance; and

(*b*) is not directed to be treated as properly paid under the provisions of regulation 5 of these regulations by the decision on review or appeal:

Provided that repayment shall not be required from any person who is shown to the satisfaction of the insurance officer, the local tribunal or the Commissioner, as the case may be, to have acted in good faith in all respects as to the obtaining and receipt of the sum in question.

(2) In the case of any sum paid as on account of an allowance for the family of a man and his wife living together which, under the provisions of this regulation,—

(*a*) the wife is not required to repay, the decision on review or appeal shall require repayment under the preceding paragraph from the man if it is shown to the satisfaction of the insurance officer, the local tribunal or the Commissioner, as the case may be, that he has not acted in good faith in all respects as to the obtaining and receipt of the sum in question;

(*b*) the wife is required to repay, the man shall be liable to repay it as well as his wife.

(3) Any sum which a person is required under the foregoing paragraphs of this regulation to repay may, without prejudice to any other remedy, be recovered by means of deductions from any other sum receivable on account of any allowance by that person.

(4) In the case of any sum paid as on account of an allowance for the family of a man and his wife living together, for the purposes of regulations 8 to 17 and regulation 22 of the National Insurance (Determination of Claims and Questions) Regulations, 1948 (which regulations as modified by these regulations relate to the determination of any question as to the right to an allowance) in their application to the question whether repayment shall be required from the man under the provisions of this regulation, the man as well as the wife shall have all the rights and powers of a claimant.

Payment of sums on account of allowances where appeal is pending

7.—(1) Subject to the provisions of these regulations, sums on account of an allowance awarded shall be payable notwithstanding that an appeal against the award is pending and, subject as aforesaid, shall be treated as having been properly paid and shall not be recoverable under the provisions of the Family Allowances Act or otherwise.

(2) Where an appeal to the Commissioner from an award of a local tribunal is made within twenty-one days of the date on which the award was given, payment of sums on account of the allowance to which the appeal relates shall be suspended until the appeal has been determined.

(3) Where it appears to the Minister that a question has arisen whether—

(*a*) the requirements for the existence of a right to an allowance awarded in respect of any person for any family are or were fulfilled ; or

(*b*) an award of an allowance ought to be revised in accordance with these regulations ;

he may direct that payment of sums on account of the allowance shall be suspended until the question has been determined.

Transitional provisions

8.—(1) The foregoing provisions of these regulations shall have effect subject to the transitional provisions hereinafter contained.

(2) Subject to the next following paragraph any decision of the Minister or any decision of a referee of referees, whether given before the date on which these regulations come into force or after that date in accordance with this regulation, shall have effect for the purposes of the Act and shall be subject to review in accordance with the provisions of regulation 3 of these regulations as if, in the case of a decision of the Minister not being a decision on a question to be decided by him in his discretion under the Schedule to the Family Allowances Acts, it were a decision of the insurance officer and, in the case of a decision of a referee or referees, it were a decision of the Commissioner.

(3) Where a person is dissatisfied by an award or decision of the Minister in respect of an allowance (including a revised award or decision) being an award or decision made or given before the date on which these regulations come into operation, the question, if it is a question which would have been determined before that date by a referee or referees in accordance with the provisions of section 5 of the Family Allowances Act and the regulations made thereunder which were in force immediately before that date, shall be determined by such referee or referees in accordance with those provisions.

(4) For the purposes of the provisions of the foregoing paragraph the Minister may from time to time appoint referees in accordance with the said provisions of section 5 and the regulations made thereunder.

(5) In any case where by virtue of—

(*a*) a decision of a referee or referees ; or

(*b*) a revised decision given by the Minister before the date on which these regulations come into operation ;

it is found that a sum has been paid as on account of an allowance which was not properly payable, the Minister may require repayment of such sum subject to and in accordance with the provisions of section 8 of the Family Allowances Act which were in force immediately before the said date.

(6) Any decision by the Minister of a question which under the Schedule to the Family Allowances Act fell to be determined by him in his discretion being a decision given before the date on which these regulations come into operation may be reconsidered by the Minister in accordance with the provisions of paragraph (2) of regulation 2 of these regulations

Dated this Second day of July, 1959.

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

Dated this Second day of July, 1959.

Graeme Finlay,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

Regulation 2

CONTAINING PARAGRAPHS (2) TO (6) OF REGULATION 1, REGULATIONS 8 TO 17 AND REGULATION 22 OF THE NATIONAL INSURANCE (DETERMINATION OF CLAIMS AND QUESTIONS) REGULATIONS, AS AMENDED

Citation, interpretation and commencement

1.—(1).....

(2) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance Act, 1946 ;

" the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act, 1946 ;

" the Family Allowances Act " means the Family Allowances Act, 1945 ;

" the Act of 1959 " means the Family Allowances and National Insurance Act, 1959 ;

" the Minister " means the Minister of National Insurance ;

" the Commissioner " means the National Insurance Commissioner appointed by His Majesty for the purposes of the Act, and any deputy Commissioner so appointed or any tribunal constituted in accordance with paragraph (5) of regulation 16 ;

" local tribunal " means a tribunal constituted in accordance with regulation 8 ;

" insurance officer " means an officer appointed in accordance with regulation 9 ;

" applicant " means, for the purposes of Part III of these regulations, a person who has made an application under the Act for the determination of a question ;

" claimant " means, for the purposes of Part IV of these regulations, a person who has claimed benefit under the Act or whose right to be excepted from liability to pay or credited with a contribution is in question ;

" question " includes, for the purposes of paragraph (2) of regulation 2 and Part IV of these regulations, a claim under the Act ;

" High Court " means, in relation to Scotland, the Court of Session ;

" local office " means any office appointed by the Minister as a local office for the purposes of the Act or of these regulations ;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations 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.

(5) Any power given in these regulations to extend the period during which anything is required to be done under these regulations or to dispense with any of the requirements thereof may be exercised in any case, notwithstanding that the period during which the thing is required to be done has expired.

(6) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART IV

Determination of claims and questions by insurance officers, local tribunals and the Commissioner

Constitution, etc., of local tribunals

8.—(1) A local tribunal shall consist of—

(*a*) one member drawn from a panel composed of persons representing employers and persons representing insured persons other than employed persons;

(*b*) one member drawn from a panel of persons representing employed persons;

(*c*) a person appointed by the Minister to act as chairman.

(2) The panels referred to in paragraph (1) of this regulation shall be constituted by the Minister for the whole of Great Britain, and each panel shall relate to such area as the Minister thinks fit, and be composed of such persons as the Minister sees fit to appoint.

(3) Before appointing members to either of the panels the Minister may take into consideration any recommendation from a local advisory committee constituted under the Act or from any other local committee representing employers or insured persons or both, or from organisations concerned with the interests of employers or insured persons, including friendly societies or organisations representative of friendly societies.

(4) The members of the panels shall hold office for such period as the Minister may direct:

Provided that at any time the Minister may terminate the appointment of any member of a panel.

(5) So far as practicable, each member of a panel shall be summoned to serve in turn upon a local tribunal:

Provided that—

(*a*) no member of a panel shall sit upon a local tribunal during the consideration of a case—

(i) in which he appears as the representative of the claimant; or

(ii) by which he is or may be directly affected; or

(iii) in which he has taken any part as an official of an association or as an employer or as a witness or as a person to whom any question arising thereon has been referred for examination and report in accordance with regulation 22 or otherwise;

(*b*) where the benefit claimed is unemployment benefit, the member chosen from the first panel shall, if practicable, be a representative of employers; and

(*c*) in any case in which the claimant is a woman, at least one of the members of the tribunal, if practicable, shall be a woman.

(6) Any case may, with the consent of the claimant but not otherwise, be proceeded with in the absence of any member of the local tribunal other than the chairman, and in any such case the tribunal shall be deemed to be properly constituted, and the chairman shall, if the number of the members of the tribunal is an even number, have a second or casting vote.

(7) A person appointed to act as chairman shall hold and vacate office in accordance with the terms of his letter of appointment.

(8) Where several persons are appointed to act as chairmen for a particular area they shall as far as practicable be invited to preside over a tribunal in turn:

Provided that this paragraph shall not apply to a person expressly appointed to serve as a substitute when some other person may be unwilling or unable to act.

Appointment of insurance officers

9.—(1) For the purposes of the Act, officers, in these regulations referred to as "insurance officers", shall be appointed by the Minister (subject to the consent of the Treasury as to number) to act for such areas or otherwise as the Minister directs.

(2) The insurance officers so appointed may include officers of the Ministry of Labour and National Service (appointed with the concurrence of the Minister of Labour and National Service) and officers of the Assistance Board (appointed with the concurrence of the Assistance Board).

Submission of questions to insurance officers

10.—(1) Any question as to the right to benefit shall be submitted forthwith to one of the insurance officers, 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) The 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 refers a case to a local tribunal in accordance with the provisions of sub-paragraph (*c*) of the preceding paragraph, notice in writing of such reference shall be given to the claimant.

Appeals to local tribunals

11.—(1) Where the insurance officer has decided any question adversely to the claimant, the claimant may appeal to the local tribunal, and he shall be notified in writing of the decision and the reasons therefor and of his right of appeal to the local tribunal:

Provided that where one of the questions mentioned in paragraph (1) of regulation 2, or in the proviso to subsection (1) of section 1 of the Act of 1959, has arisen in connection with the decision of the insurance officer, and has been determined, and the insurance officer certifies that the decision on that question is the sole ground of his 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 at a local office within twenty-one 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 in writing and shall contain a statement of the grounds upon which the appeal is made.

Time and place of hearings before local tribunals

12.—(1) Reasonable notice of the time and place of the hearing before the local tribunal shall be given to the claimant, 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.

(2) 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.

Hearings before local tribunals

13.—(1) Every hearing by a local tribunal shall be in public except in so far as the chairman of the tribunal may otherwise direct if he is of the opinion that intimate personal or financial circumstances may have to be disclosed or that considerations of public security are involved.

(2) The following persons shall be entitled to be heard at the hearing of any case by a local tribunal:—

(*a*) the claimant;

(*b*) the insurance officer;

(*c*) the Minister;

and any person appearing to the tribunal to be interested shall have the right to be present notwithstanding that the hearing of the case is not in public.

(3) 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.

(4) Any person who by virtue of the provisions of this regulation has 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.

(5) 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 question of fact material thereto.

(2) The decision of the majority of the 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 Commissioner.

Appeals to the Commissioner from local tribunals

15.—(1) Subject as hereinafter provided, an appeal shall lie to the Commissioner 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 Commissioner must be brought within three months from the date of the decision of the local tribunal, or such further period as the Commissioner 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 Minister stating the grounds of the appeal—

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

(*b*) in the case of an appeal by the claimant or the association mentioned in sub-paragraph (*c*) of paragraph (1) of this regulation, at a local office.

Procedure before Commissioner

16.—(1) If any person to or by whom notice of appeal is given makes a request to the Commissioner for an oral hearing of the appeal, the Commissioner 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 so inform the claimant 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 request has been made, the Commissioner is otherwise satisfied that an oral hearing is desirable, reasonable notice of the time and place of the hearing shall 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 Commissioner to be interested.

(2A) In any case in which an oral hearing of an appeal is held such hearing shall be in public except in so far as the Commissioner may otherwise direct if he is of the opinion that intimate personal or financial circumstances may have to be disclosed or that considerations of public security are involved.

(3) 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*) a barrister, advocate or 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*) any other person.

(3A) Any person having the right to be heard who appears at a hearing by the Commissioner may call witnesses and shall be given an opportunity of putting questions directly to any witnesses called at the hearing.

(4) 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 Commissioner 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.

(5) If it appears to the Commissioner that any appeal which is made to him involves a question of law of special difficulty, he may direct that the appeal shall be dealt with, not by the Commissioner or any deputy Commissioner alone, but by a tribunal consisting of any three of them, and if the decision of any such tribunal is not unanimous, the decision of the majority shall be the decision of the tribunal.

(5A) If it appears to the Commissioner that any appeal which is made to him involves a question of fact of special difficulty, the Commissioner may direct that in dealing with the appeal or any part thereof he shall have the assistance of an assessor or assessors specially qualified and selected from a panel appointed for that purpose.

(5B) The Commissioner may, if he thinks fit, refer any question arising for his decision to a registered medical practitioner for examination and report.

(6) The decision of the Commissioner shall be in writing and signed by him, and a copy thereof shall be sent as soon as may be practicable to the claimant and to any other person appearing to the Commissioner to be interested.

General provision regarding proceedings before local tribunals and Commissioner

17. Subject to the provisions of this Part of these regulations, the procedure in connection with the consideration and determination of any appeal or reference to a local tribunal or of any appeal to the Commissioner shall be such as the chairman of the local tribunal or the Commissioner, as the case may be, shall determine.

Local referees

22.—(1) Any question of fact arising upon the consideration of any question by an insurance officer or a local tribunal as to the right to benefit may be referred by the insurance officer or the chairman of the local tribunal, as the case may be, for previous examination and report to two persons who are persons resident in the neighbourhood in which the claimant resides (hereafter in this regulation referred to as "the local referees"), and of whom one shall be drawn from the panel mentioned in sub-paragraph (*a*) of paragraph (1) of regulation 8 and one shall be drawn from the panel mentioned in sub-paragraph (*b*) of the said paragraph:

Provided that, where a question of fact has been so referred, the insurance officer or the local tribunal, as the case may be, may determine the question before him or them, notwithstanding that the report of the local referees has not been received, if there has elapsed reasonable time within which the local referees could have submitted their report.

(2) If any question of fact shall be so referred, the local referees shall interview the claimant and shall report to the insurance officer or to the local tribunal, as the case may be, stating their findings of fact upon the question so referred.

(3) If the local referees do not agree upon their report each referee shall make a separate report.

(4) Any question of fact so referred may, with the consent of the claimant but not otherwise, be proceeded with in the absence of one of the two local referees by the other referee, who shall interview the claimant and report upon the question of fact referred.

(5) No member of one of the panels referred to in paragraph (1) of regulation 8 shall act as a local referee if he is a person who would be prevented, by the provisions of paragraph (*a*) of the proviso to paragraph (5) of that regulation, from sitting upon a local tribunal during the consideration of the case of the claimant.

EXPLANATORY NOTE

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

These Regulations give effect to the provisions of section 1 of the Family Allowances and National Insurance Act, 1959, relating to the determination of questions as to the right to allowances under the Family Allowances Act, 1945. Regulation 2 provides for such questions to be determined by insurance officers or local tribunals subject to appeal to the Commissioner

appointed under the National Insurance Act, 1946; for this purpose certain provisions of the National Insurance (Determination of Claims and Questions) Regulations, 1948, are applied with modifications. This regulation reserves to the Minister of Pensions and National Insurance certain questions as to which of two or more persons is to be treated as maintaining a child or in which of two families a child is to be treated as included. Provision is made by regulations 3 and 4 for the review of decisions, by regulations 5 and 6 for the adjustment and recovery of sums paid on account of allowances and by regulation 7 for payment pending appeals. Regulation 8 contains provisions to facilitate the transition from the system of adjudication provided by section 5 of the Family Allowances Act, 1945, (which, subject to such provisions, is repealed by the Family Allowances and National Insurance Act, 1959) under which questions as to the right to allowances were determined by the Minister with appeal to referees appointed for the purpose.

1959 No. 848

The National Insurance (Determination of Claims and Questions) Amendment Regulations, 1959

Made - - - -	11*th May*, 1959
Laid before Parliament	14*th May*, 1959
Coming into Operation	25*th May*, 1959

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 43 of the National Insurance Act, 1946(a), and of all other powers enabling him 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, 1959, shall be read as one with the National Insurance (Determination of Claims and Questions) Regulations, 1948(b), as amended(c), (hereinafter referred to as "the principal regulation") and shall come into operation on the 25th May, 1959.

Amendment of regulation 1 *of the principal regulations*

2.—(1) In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation) the definition of "claimant" shall be amended in accordance with the following paragraph of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(2) Immediately after the words "who has claimed benefit under the Act" in the said definition of "claimant" there shall be inserted the words "or whose right to be excepted from liability to pay or credited with a contribution is in question".

Amendment of regulation 2 *of the principal regulations*

3. At the end of paragraph (1) of regulation 2 of the principal regulations there shall be added the following proviso:—

"Provided that any question whether a person would by reason of the provisions of subsections (2) or (3) of section 13 of the Act or of any

(a) 9 & 10 Geo. 6. c. 67.
(b) S.I. 1948/1144 (Rev. XVI, p. 331: 1948 I, p. 2720).
(c) There is no amendment which relates to the subject matter of these regulations.