STATUTORY INSTRUMENTS

1971 No. 622

SOCIAL SECURITY

The Family Income Supplements (Appeal Tribunal) Rules 1971

Made - - -	*7th April* 1971
Laid before Parliament	*20th April* 1971
Coming into Operation	*3rd May* 1971

The Secretary of State for Social Services, in exercise of his powers under paragraph 6 of Schedule 3 to the Ministry of Social Security Act 1966(**a**), and of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals, hereby makes the following rules :—

Citation, commencement and interpretation

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

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

"the Act" means the Family Income Supplements Act 1970(**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 or acting chairman of the Appeal Tribunal ;

"the clerk" means the clerk to the Appeal Tribunal or his deputy ;

"the Commission" means the Supplementary Benefits Commission ;

"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 Ministry of Social Security Act 1966.

(3) References in these rules to any enactment, rule or regulation shall, except in so far as the context otherwise requires, include references to such enactment, rule or regulation, as amended or extended by or under any subsequent enactment, rule, order or regulation, and as including references to any enactment, rule or regulation thereby consolidated.

(**a**) 1966 c. 20. (**b**) 1970 c. 55.

(4) 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 Secretary of State 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.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**a**) shall apply for the purposes of the interpretation of these rules (including any rules read as one therewith) as they apply for the purposes of the interpretation of an Act of Parliament.

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 Department of Health and Social Security 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 an 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) of this rule, 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) 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

(**a**) 1889 c. 63.

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 no 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 no 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) of this rule.

(5) Subject to paragraph (6) of this rule, 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 Ministry of Social Security Act 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) of this rule 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) Nothing in this rule shall prevent a member of the Council on Tribunals or of the Scottish Committee of the Council from being present at an oral hearing in his capacity as such ; but, subject to the foregoing provisions of this paragraph and 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) of this rule, shall be sent to the interested persons by the clerk.

Travelling and other allowances for persons attending before the Appeal Tribunal

7.—(1) The Secretary of State 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.

(2) Any person desiring to claim an allowance as aforesaid shall forthwith submit a claim to the Secretary of State, whose decision thereon shall be final.

Keith Joseph,
Secretary of State for Social Services.

7th April 1971.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

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 1970.

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 1970 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.

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