3. APPEAL TRIBUNALS

The National Assistance (Appeal Tribunals) Rules Confirmation Instrument, 1948

1948 No. 1454

Made - - - -	*29th June*, 1948
Laid before Parliament	*30th June*, 1948
Coming into Operation	*5th July*, 1948

M.N.I.132.

Whereas the Assistance Board, in exercise of the powers conferred on them by paragraph 6 of the Fifth Schedule to the National Assistance Act, 1948 (hereinafter referred to as "the Act"), and of all other powers enabling them in that behalf, made on the 23rd day of June, 1948, the National Assistance (Appeal Tribunals) Rules, 1948;

11 & 12 Geo. 6. c.29.

And Whereas by virtue of section 63 of the Act no rules made by the said Board shall take effect unless confirmed by the Minister of National Insurance:

Now, therefore, in exercise of the powers conferred on me by the said section 63 and of all other powers enabling me in that behalf, I do hereby confirm the National Assistance (Appeal Tribunals) Rules, 1948, contained in the Schedule hereto.

This instrument may be cited as the National Assistance (Appeal Tribunals) Rules Confirmation Instrument, 1948, and shall come into operation on the 5th July, 1948.

Dated this 29th day of June, 1948.

James Griffiths,
Minister of National Insurance.

SCHEDULE

The National Assistance (Appeal Tribunals) Rules, 1948

The Assistance Board, in exercise of the powers conferred on them by paragraph 6 of the Fifth Schedule to the National Assistance Act, 1948, and of all other powers enabling them in that behalf, hereby make the following rules:—

Citation, commencement and interpretation. 11 & 12 Geo. 6. c. 29.

1.—(1) These rules may be cited as the National Assistance (Appeal Tribunals) Rules, 1948, and shall come into operation on the 5th July, 1948.

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

"the Act" means the National Assistance Act, 1948;

"the appellant" means a person who has brought an appeal under section 14 of the Act, or a local authority which has brought an appeal under section 25 of the Act, as the case may require;

"the Board" means the National Assistance Board;

"the chairman" means the chairman or acting chairman of a Tribunal;

"the Minister" means the Minister of National Insurance;

" the person concerned " means, as the case may require—

(*a*) a person in respect of whom a report has been made by the Board to a Tribunal under section 10 of the Act; or

(*b*) a person in respect of whom a direction of the Board or a local authority has been referred to a Tribunal under section 18 of the Act; or

(*c*) where a question has arisen as to the amount which the Board are entitled to recover from any person under subsection (1) of section 45 of the Act, that person;

" Tribunal " means an Appeal Tribunal;

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

(3) References in these rules to any enactment shall include references to that enactment 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 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.

(5) The Interpretation Act, 1889, applies to the interpretation of these rules as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

Tenure of office of members of Tribunals.

2.—(1) The chairman, and the member of a Tribunal appointed by the Minister, shall hold office in accordance with the terms of his letter of appointment.

(2) The member of a Tribunal appointed by the Board from the panel of persons nominated by the Minister in accordance with sub-paragraph (1) of paragraph 3 of the Fifth Schedule to the Act shall be appointed to serve upon the Tribunal at such sittings as the Board may direct and, as far as is practicable, each member of the said panel shall be so appointed in turn.

(3) Notwithstanding anything in the foregoing provisions of this rule, no member of a Tribunal shall sit upon a Tribunal during the consideration of a matter—

(i) in which he appears as the representative of or accompanies the appellant or the person concerned; or

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

Procedure on reports made by the Board under section 10 of the Act.

3.—(1) Where the Board have made a report to a Tribunal under section 10 of the Act (which section relates to the making of assistance grants in special cases) the Tribunal shall, as soon as may be, hold an oral hearing.

(2) A representation under subsection (6) of the said section 10 that a direction of a Tribunal ought to be revoked shall be made in writing and shall be given or sent to the clerk of the Tribunal by whom such direction was made and the Tribunal shall, as soon as may be, hold an oral hearing:

Provided that if the chairman is of opinion that the said direction can properly be revoked without an oral hearing he may, with the consent of the Board, order the said direction to be revoked accordingly.

Time and manner of bringing appeals under section 14 of the Act.

4. An appeal against a decision of the Board with respect to any of the matters mentioned in subsection (1) of section 14 of the Act shall be brought by giving notice of appeal in writing at an office of the Board within twenty-one days of the date of the issue of the decision, or within such further time as the chairman may for good cause allow, and the Tribunal shall, as soon as may be, hold an oral hearing.

Procedure on reference under section 18 of the Act.

5. A requirement that a direction given by the Board or a local authority under subsection (2) of section 18 of the Act (which section relates to accommodation in reception centres in special cases) shall be referred to a Tribunal, shall be made by the person concerned giving notice of the said requirement in writing to the Board or the local authority as the case may require, and the Tribunal shall, as soon as may be, hold an oral hearing.

Procedure on appeals by local authorities under section 25 of the Act.

6. An appeal by a local authority aggrieved by a requirement made by the Board under subsection (1) of section 25 of the Act (which section empowers the Board to require a local authority to provide accommodation in urgent cases) shall be brought by giving notice of appeal in writing at an office of the Board, and the Tribunal shall, as soon as may be, hold an oral hearing.

Procedure on references to Tribunals under section 45 of the Act.

7. Any question arising as to the amount which the Board are entitled in any case to recover under subsection (1) of section 45 of the Act (which section relates to recovery in cases of misrepresentation or non-disclosure) shall be referred by the Board to a Tribunal by notice in writing, and the Tribunal shall, as soon as may be, hold an oral hearing.

Jurisdiction of Tribunals.

8. All matters which are required to be brought in accordance with the provisions of these rules before a Tribunal shall be so brought before the Tribunal having jurisdiction in respect of the district in which the appellant or the person concerned resides or before such other Tribunal as the Board in any particular case or class of cases may direct.

Time and place of hearing.

9.—(1) Reasonable notice of the time and place of an oral hearing, together with particulars of the case, shall be given by the clerk of the Tribunal to the officer of the Board concerned and to the appellant or the person concerned, and, except with the consent of the appellant or the person concerned, the Tribunal shall not proceed with the hearing unless such notice has been given.

(2) If an appellant, or the person concerned, to whom notice of oral hearing has been duly given in accordance with the foregoing provisions of this rule should fail to appear at such hearing, and has not given a reasonable explanation for his absence, the Tribunal may proceed to consider and determine the matter notwithstanding the absence of the appellant or the person concerned, or may give such directions with a view to the consideration and determination of the matter as they may think proper.

(3) The chairman may adjourn an oral hearing from time to time as he may think fit.

Procedure in the absence of members of the Tribunal.

10. The consideration of any matter may, with the consent of the officer of the Board concerned, and the appellant or the person concerned, but not otherwise, be proceeded with in the absence of any member of a Tribunal other than the chairman.

Procedure at hearings.

11.—(1) The clerk of a Tribunal, or his deputy, shall be present at all sittings of the Tribunal, and the appellant or the person concerned and an officer of the Board shall be entitled to be present during an oral hearing and to be heard, and the appellant or the person concerned may be represented or accompanied by any person not being a barrister, advocate or solicitor and appearing as such:

Provided that for the purpose of discussing their decision on any matter the Tribunal may order all persons, not being members of the Tribunal or their clerk, to withdraw from the sitting of the Tribunal.

(2) A Tribunal may allow any other person appearing to them to be interested to be present during the oral hearing, but, save as aforesaid, there shall not be admitted to such hearing any member of the public or the representative of any newspaper.

Decision of Tribunals.

12. The decision on any matter of the majority of a Tribunal shall be the decision of the Tribunal, and the Tribunal shall record in writing all their decisions, and as soon as is practicable after any matter has been decided, the clerk of the Tribunal shall notify the Board and the appellant or the person concerned of the decision.

General provisions as to proceedings before Tribunals.

13. Subject to the provisions of the Act and of these rules, the procedure on any matter shall be such as the chairman of the Tribunal may determine.

14.—(1) The Board may pay travelling and other allowances (including, with the consent of the Chairman, compensation for loss of remunerative time) in respect of attendance at an oral hearing before a Tribunal to any person required to attend thereat or to a person permitted in accordance with the provisions of these rules to represent or to accompany the appellant or the person concerned at such hearing. Payment of allowances.

(2) Any person desiring to claim any allowances as aforesaid shall forthwith submit a claim to the Board, whose decision thereon shall be final.

Given under the official seal of the Assistance Board this 23rd day of June, nineteen hundred and forty-eight.

Jennie Adamson,
Deputy Chairman of the Assistance Board.

H. Fieldhouse,
A person authorised to act as Secretary of the Assistance Board.

EXPLANATORY NOTE

(This Note is not part of the Confirmation Instrument, but is intended to indicate its general purport.)

This Instrument confirms rules made by the Assistance Board laying down the procedure of Appeal Tribunals set up by the National Assistance Act, 1948, and the manner in which matters shall be brought before and determined by those Tribunals.

---

4. CHARGES FOR ACCOMMODATION

(1) *England and Wales.* | (2) *Scotland*, p. 1989.

(1) ENGLAND AND WALES

The National Assistance (Charges for Accommodation) Regulations, 1948

1948 No. 1385

Made - - - -	*24th June*, 1948
Laid before Parliament	*24th June*, 1948
Coming into Operation	*5th July*, 1948

108110.

The Minister of Health, in exercise of the powers conferred on him by section twenty-two of the National Assistance Act, 1948(a), hereby makes the following regulations:—

1. These regulations may be cited as the National Assistance (Charges for Accommodation) Regulations, 1948, and shall come into operation on the fifth day of July, 1948.

(a) 11 & 12 Geo. 6. c. 29.