1955 No. 780 (C. 4)

The National Insurance Act, 1955 (Commencement) Order, 1955

Made - - - -	*25th May*, 1955
Coming into Operation	*2nd June*, 1955

The Minister of Pensions and National Insurance, acting in conjunction with the Treasury, in exercise of powers conferred by section 3 of the National Insurance Act, 1955(a), and of all other powers enabling him in that behalf, hereby makes the following order :—

1. The appointed day for all the purposes of the said Act shall be the sixth day of June, 1955.

2. This order may be cited as the National Insurance Act, 1955 (Commencement) Order, 1955, and shall come into operation on the 2nd day of June, 1955.

Dated this 21st day of May, 1955.

Osbert Peake,
Minister of Pensions and National Insurance.

Dated this 25th day of May, 1955.

Edward Heath,
R. H. M. Thompson,
Two of the Lords Commissioners of Her Majesty's Treasury.

1955 No. 1788

The National Insurance (Determination of Claims and Questions) Amendment Regulations, 1955

Made - - - -	*29th November*, 1955
Laid before Parliament	*2nd December*, 1955
Coming into Operation	*3rd December*, 1955

The Minister of Pensions and National Insurance, in exercise of the powers conferred by section 43 of the National Insurance Act, 1946(b), 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, 1955, shall be read as one with the National Insurance (Determination of Claims

(a) 3 & 4 Eliz. 2. c. 29. (b) 9 & 10 Geo. 6. c. 67.

and Questions) Regulations, 1948(a), as amended(b) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 3rd December, 1955.

Amendment of regulation 15 *of the principal regulations*

2.—(1) Regulation 15 of the principal regulations (which relates to appeals to the Commissioner from local tribunals) shall be amended in accordance with the next following paragraph and accordingly shall have effect as set out in the Schedule hereto.

(2) In sub-paragraph (*c*) of paragraph (1) of the said regulation 15, for the words "of which in either case", there shall be substituted the words "where in either case—(i)"; after the words "is a member", there shall be inserted the words "of the association"; and after the word "arose", there shall be inserted the words "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".

Amendment of regulation 16 *of the principal regulations*

3. The following paragraphs shall be added after paragraph (5) of regulation 16 of the principal regulations (which relates to procedure before the Commissioner):—

(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.

Dated this 29th day of November, 1955.

Osbert Peake,
Minister of Pensions and National Insurance.

SCHEDULE Regulation 2

CONTAINING REGULATION 15 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

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;

(a) S.I. 1948/1144 (Rev. XVI, p. 331: 1948 I, p. 2720).
(b) *See* reg. 13 of, and Third Schedule to, National Insurance (Death Grant) Regulations, 1949 (S.I. 1949/1204 (1949 I, p. 2708)); S.I. 1951/1208, 1952/1310 (1951 I, p. 1455; 1952 II, p. 2145); *and see also* reg. 21 of, and Second Schedule to, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations, 1954 (S.I. 1954/189 (1954 I, p. 1387)).
* The words added or substituted by these regulations are shown in italics.

(*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:*

Provided that in the case of the claimant no appeal shall lie without leave of the local tribunal or of the Commissioner, except in a case in which the decision of the local tribunal is not unanimous.

(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.

(3) Where leave to appeal to the Commissioner is not granted when the decision of the local tribunal is given, an application for such leave may be made by the person desiring to appeal, in a form approved by the Minister, and within twenty-one days of the date of the decision or such further period as may in any case for special reasons be allowed, but any such application shall be made in the first instance to the local tribunal and not to the Commissioner.

(4) An application for leave to appeal shall be granted by the local tribunal or the Commissioner if it appears to them or to him that there is a principle of importance involved in the case, or that there are any other special circumstances by reason of which leave to appeal ought to be granted.

(5) Where a local tribunal grant leave to appeal, they shall record in writing a statement of the grounds on which leave to appeal is granted.

EXPLANATORY NOTE

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

These Regulations contain miscellaneous amendments to the National Insurance (Determination of Claims and Questions) Regulations, 1948. Regulation 2 amends the provisions relating to appeals to the Commissioner by giving an association the right to appeal on behalf of a person claiming benefit by virtue of a deceased member's insurance. Regulation 3 amends the procedure for the determination of questions by the Commissioner by providing that he may have the assistance of an assessor or assessors if he considers that a question of fact of special difficulty arises, and by providing that he may refer any question arising for his decision to a registered medical practitioner for examination and report.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with Section 77 of the National Insurance Act, 1946, and their report thereon, dated the 24th October, 1955, is contained in the House of Commons Paper No. 131 published by Her Majesty's Stationery Office.