The National Insurance (Determination of Claims and Questions) Regulations, 1948

1948 No. 1144

Made - - - -	*28th May*, 1948
Laid before Parliament	*1st June*, 1948
Coming into Operation	*4th June*, 1948

108.

The Minister of 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 the powers conferred by sections 43 and 47 of the National Insurance Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

9 & 10 Geo. 6. c. 67.

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Determination of Claims and Questions) Regulations, 1948, and shall come into operation on the 4th June, 1948.

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

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

9 & 10 Geo. 6. c. 62. " the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act, 1946;

8 & 9 Geo. 6. c. 41. " the Family Allowances Act " means the Family Allowances Act, 1945;

" 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;

" 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. 52 & 53 Vict. c. 63.

(7) The provisions of these regulations shall not apply to claims and questions relating to death grant.

Part II

Persons to determine claims and questions

The Minister.

2.—(1) The following questions arising under or in connection with the Act shall be determined by the Minister in accordance with the procedure prescribed in Part III of these regulations, that is to say, any question—

(*a*) whether the contribution conditions for any benefit are satisfied, or otherwise relating to a person's contributions;

(*b*) which of two or more persons satisfying the conditions for an increase of benefit, whether of the same or a different description, shall be entitled to the increase where by virtue of some provision of the Act not more than one of them is entitled to the increase;

(*c*) as to the class of insured persons in which a person is to be included.

Insurance officers, local tribunals and Commissioner.

(2) Subject to the foregoing provisions of this regulation and of subsection (2) of section 43 of the Act (which subsection relates to the determination of certain questions under the Act by the procedure in operation under the Family Allowances Act), any question as to the right to benefit shall be determined by an insurance officer, a local tribunal or the Commissioner in accordance with the provisions of Part IV of these regulations.

Modification of Family Allowances Act.

(3) The provisions of section 5 of the Family Allowances Act and of the regulations made thereunder shall apply to the determination of any such question as is mentioned in subsection (2) of section 43 of the Act, subject to the qualification that for that purpose, but for that purpose only—

(*a*) regulation 3 of the Family Allowances (References) Regulations, 1946(**a**), shall be modified to the extent that an application for a reference shall be sent in the first instance to a local office, and shall be forwarded from such local office to the Registrar of Appeals under the said Act as soon as may be practicable; and

(*b*) regulation 9 of the last mentioned regulations shall be modified to the extent that the copy of the decision of the referee, which under the said regulation 9 is to be sent by the Registrar of Appeals to the applicant, shall be sent in the first instance to a local office and shall be forwarded from such local office to the applicant as soon as may be practicable.

PART III

Determination of questions by Minister

Application for, and procedure on, determination of question by the Minister.

3.—(1) Any person desiring to obtain the decision of the Minister on any question mentioned in paragraph (1) of regulation 2 shall deliver or send to the Minister an application for the purpose in writing in a form approved by him, and shall furnish such particulars as the Minister may require for the purpose of the consideration and determination of any such question.

(2) The Minister shall take steps to bring any such application and any such particulars to the notice of any person appearing to him to be interested therein and to obtain from such person such particulars within such time and in such form as he considers reasonably necessary for the proper determination of the question.

(3) The Minister may, if he thinks fit, before determining the question, appoint a person to hold an inquiry into the question or any matters arising in connection therewith and to report to him thereon, and any person so appointed may by summons require persons to attend at any such inquiry to give evidence or to produce documents reasonably required for the purpose of the inquiry and may take evidence on oath and for that purpose administer oaths.

(4) Reasonable notice of the date and place of the holding of such inquiry shall be given to the applicant and any persons notified of the application in accordance with paragraph (2) of this regulation.

(5) The applicant and any person appearing to the Minister or to the person appointed to hold the inquiry to be interested in the application shall be entitled to attend and be heard at the inquiry, and to be represented by any other person, and the procedure thereat shall, subject to this regulation, be such as the person appointed to hold the inquiry shall determine.

(6) The Minister shall give notice in writing of his decision to the applicant and to any persons appearing to him to be interested therein and may publish his decision in such manner as he thinks fit.

(**a**) S.R. & O. 1946 (No. 139) I, p. 513.

Appeals, etc., to the High Court.

4.—(1) Any question of law arising in connection with the determination by the Minister of any such question as is mentioned in paragraph (1) of regulation 2 may, if the Minister thinks fit, be referred for decision to the High Court.

(2) In the event of the Minister determining in accordance with the preceding paragraph of this regulation to refer any question of law to the High Court, he shall send notice in writing of his intention so to do to the applicant and to any other person appearing to him to be interested therein.

(3) Any person aggrieved by the decision of the Minister on any question of law which is not referred in accordance with paragraph (1) of this regulation may appeal from that decision to the High Court, and the applicant and any other person appearing to the Minister to be interested shall, on request, be furnished with such a statement of the grounds of the decision as will enable him to determine whether any question of law has arisen upon which he may wish to appeal.

(4) The Minister shall be entitled to appear and be heard on any such reference or appeal.

Review of decisions by Minister.

5. The Minister may, on new facts being brought to his notice, review a decision given by him in accordance with this Part of these regulations:

Provided that any such decision shall not be reviewed while an appeal is pending against the decision of the Minister on a question of law arising in connection therewith, or before the time for appealing has expired.

Decisions to be conclusive for purposes of proceedings under Act, etc.

6.—(1) Where in any proceedings—

(*a*) for an offence under the Act; or

(*b*) involving any question as to the payment of contributions under the Act; or

(*c*) for the recovery of any sums due to the National Insurance Fund;

any question arises which under paragraph (1) of regulation 2 is to be determined by the Minister (subject to an appeal on a question of law to the High Court), the decision of the Minister shall, unless such an appeal is pending or the time for so appealing has not expired, be conclusive for the purpose of those proceedings.

(2) In any such proceedings as aforesaid—

(*a*) where any question arises which under subsection (2) of section 43 of the Act is required to be determined in like manner as a corresponding question arising under the Family Allowances Act, the decision of that question by the Minister shall, unless the question has been referred to a referee or referees in accordance with subsection (2) of section 5 of that Act, or the time for applying for such a reference has not expired, be conclusive for the purpose of those proceedings; and

(*b*) where the question has been so referred, the decision of the referee or referees shall be conclusive as aforesaid, unless a case has been stated for the decision of the High Court under proviso (*b*) to subsection (2) of the said section 5, or the time for applying for such a case to be stated has not expired.

(3) If any such decision under either of the preceding paragraphs has not been obtained and the decision of the question is necessary for the determination of the proceedings, the question shall be referred to the

Minister for decision in accordance with the procedure (subject to the necessary modifications) prescribed in this Part of these regulations or under the Family Allowances Act, as the case may be.

(4) Where any such appeal as is mentioned in the preceding paragraphs of this regulation is pending, or any application for a reference or for a case stated has been made, or the time for so appealing or making such an application has not expired, or where any question has been referred to the Minister, the court dealing with the case shall adjourn the proceedings until such time as a final decision upon the question has been obtained.

Procedure on application for review or on reference by a Court.

7. The provisions of this Part of these regulations shall apply with the necessary modifications to any case in which—

(*a*) a question has been raised with a view to the review of any decision of the Minister given in accordance with these regulations; or

(*b*) a question such as is mentioned in paragraph (1) of regulation 2 is referred to the Minister under paragraph (3) of the last foregoing regulation or under regulation 23.

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(**a**) other than employed persons(**b**);

(*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:

(**a**) *See* s. 1 (1), National Insurance Act, 1946.
(**b**) *See* s. 1 (2) (a), National Insurance Act, 1946.

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 subsection (2) of section 43 of the Act, 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.

Procedure at hearings before local tribunals.

13.—(1) During the consideration by a local tribunal of any case, the claimant shall be entitled to be present and to be heard and he may be represented by any other person, not being a barrister, advocate or solicitor; and there shall also be entitled to be present and to be heard the insurance officer and any other person nominated by the Minister, not being, in either case, a barrister, advocate or solicitor:

Provided that, for the purpose of arriving at their decision or discussing any question as to their procedure, the local tribunal shall order all persons not being members of the local tribunal, other than the person acting as clerk to the tribunal, to withdraw from the sitting of the tribunal.

(2) A local tribunal may allow any other person appearing to them to be interested to be present during the consideration of a case, but, save as aforesaid, there shall not be admitted to the sitting of the local tribunal any member of the public or the representative of any newspaper.

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 questions 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, of which in either case, the claimant at the time of the appeal is a member and was so immediately before the question at issue arose:

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.

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.

(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 subparagraph (*c*) of paragraph (1) of the last foregoing regulation; or

(*c*) (with the consent of the Commissioner in any case) any other person.

(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.

(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.

Review of decisions of insurance officer, local tribunal or Commissioner.

18.—(1) Any decision under this Part of these regulations of 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 by fresh evidence 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 the decision of any question mentioned in paragraph (1) of regulation 2 or in subsection (2) of section 43 of the Act, and the decision of that question is revised in accordance with the provisions of regulation 5 or in accordance with the provisions of the Family Allowances Act and the regulations made thereunder, as the case may be.

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

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

(4) 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 this Part 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 or increase of benefit.

19.—(1) Where on review a decision is revised so as to make benefit payable, or to increase the rate of benefit, the decision given on the review shall have effect as follows:—

(*a*) in the case of unemployment benefit and maternity allowance, as from the date of the application for the review;

(*b*) in the case of sickness benefit and attendance allowance, as from the date ten days before the date of the application for the review; or

(*c*) in the case of widow's benefit, a guardian's allowance and a retirement pension, as from the date three months before the date of the application for the review:

Provided that, subject to the provisions of the next succeeding paragraph, if in any case the claimant proves—

(i) that on a date earlier than the date on which the application for the review was made, he was (apart from satisfying the condition of making a claim therefor) entitled to benefit; and

(ii) that throughout the period between the earlier date and the date on which the application for review was made, there was good cause for delay in making the application;

he shall not be disqualified by virtue of the foregoing provisions of this paragraph for receiving any benefit to which he would have been entitled in respect of the said period.

(2) Notwithstanding anything contained in this regulation, the following provisions shall have effect:—

(*a*) The proviso to the foregoing paragraph shall apply in any case subject to the condition that no sum on account of benefit shall be paid to any person in respect of any part of the period referred to in that proviso earlier than six months before the date on which the application for the review was made.

(*b*) The decision on review shall not in any event have effect for any period before the date on which the original decision took effect or would have taken effect if an award had been made.

(*c*) If the said decision on review was based on a material change of circumstances subsequent to the date from which the original decision took effect, it shall not have effect for any period before the date declared by the insurance officer, the local tribunal or the Commissioner, as the case may be, to be the date on which such material change of circumstances took place.

(3) For the purpose of this regulation, where a decision is reviewed at the instance of an insurance officer under paragraph (1) of regulation 18, 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 benefit by insurance officer, local tribunal or Commissioner.

20.—(1) Where by a decision on review or appeal a person entitled to benefit is awarded some other benefit in lieu thereof, the decision on the review or appeal shall direct that any payments already made on account of the benefit originally awarded in respect of any period covered by the decision on review or appeal shall be treated as having been made on account of the benefit awarded by that decision.

(2) Where, by virtue of an award, an increase of benefit has been paid for any period to one person in respect of another as being the child of the family, or the wife or husband, or an adult dependant, of the first mentioned person, and by reason of a subsequent decision either—

(*a*) the said other person is himself entitled to benefit for that period; or

(*b*) a third person is entitled to benefit for that period in respect of the said other person in priority to the first mentioned person;

then, notwithstanding that under regulations relating to overlapping benefits made under section 30 of the Act such increase of benefit is not payable, the subsequent decision shall direct that it shall be treated as having been properly paid for that period, and that any arrears of benefit for that period payable by reason of the subsequent decision shall be reduced to the extent to which the increase of benefit is so directed to be treated as having been properly paid.

Revision, etc., of decisions involving non-payment or reduction of benefit.

21.—(1) Where on review or appeal a decision is revised or is reversed or varied, so as to make benefit not payable or to reduce benefit, the decision given on the review or appeal shall, subject to the provisions of paragraphs (2) and (3) of this regulation, require repayment to the National Insurance Fund of any benefit paid in pursuance of the original decision to the extent to which it—

(*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 paid on account of the benefit awarded by the decision on review or appeal:

Provided that, subject as aforesaid, repayment shall not be required in any case where the person concerned 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 benefit.

(2) Where on review or appeal a decision is revised or is reversed or varied so as, in respect of any period, to make benefit not payable or to reduce benefit, and the person concerned has also been awarded benefit under the Industrial Injuries Act, the decision on review or

appeal shall, subject to the provisions of paragraph (3) of this regulation, require repayment to the National Insurance Fund of so much of the benefit paid in pursuance of the original decision as does not exceed the amount which has been awarded under that Act in respect of the same period.

(3) Where the benefit in question was received from a local education authority acting under a scheme approved by the Minister of Labour and National Service relating to the administration of unemployment benefit, references in the preceding provisions of this regulation to the National Insurance Fund shall be construed as references to that authority.

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.

Reference to Minister, etc., of special questions.

23.—(1) If on consideration of any question an insurance officer is of opinion that there arises any such question as is mentioned in paragraph (1) of regulation 2 or in subsection (2) of section 43 of the Act, he shall—

(*a*) refer the latter question for determination in accordance with the said paragraph or the said subsection, as the case may be; and

(*b*) deal with any other questions as if the question so referred had not arisen:

Provided that the insurance officer may—

(i) postpone the reference of or dealing with any question until after other questions have been determined;

(ii) in cases where the determination of any question disposes of a claim or any part thereof, make an award, or decide that an award cannot be made, as to the claim or that part thereof without referring or dealing with, or before the determination of, any other question.

(2) The foregoing provisions of this regulation shall apply to a local tribunal and the Commissioner as they apply to the insurance officer, except that a local tribunal or the Commissioner, instead of themselves or himself referring a question for determination in accordance with sub-paragraph (*a*) of the last foregoing paragraph, shall direct it to be so referred by the insurance officer.

Dated this 28th day of May, 1948.

James Griffiths,
Minister of National Insurance.

R. J. Taylor,
Wm. Hannon,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

These Regulations specify in Part II which questions arising under or in connection with the National Insurance Act, 1946, shall be determined by the Minister of National Insurance and which questions shall be determined by an insurance officer, a local tribunal and the National Insurance Commissioner (hereafter in this Note referred to as "the statutory authorities"). The questions to be decided by the Minister relate mainly to contributions and the classification of insured persons, and the questions to be decided by the statutory authorities relate to right to benefit. Parts III and IV of the regulations prescribe the manner in which questions shall be determined by the Minister and by the statutory authorities respectively.

The National Insurance (Determination of Claims and Questions) (Transitional) Regulations, 1948

1948 No. 1311

Made - - - -	19*th June*, 1948
Laid before Parliament	21*st June*, 1948
Coming into Operation	28*th June*, 1948

M.N.I.127.

The Minister of National Insurance and the National Insurance Joint Authority, acting in conjunction with the Treasury, in exercise of the