STATUTORY INSTRUMENTS

1966 No. 1005

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1966

Made - - - -	8*th August* 1966
Laid before Parliament	22*nd August* 1966
Coming into Operation	6*th October* 1966

The Minister of Social Security in exercise of the powers conferred by sections 45(1), 47(1), 50(2), 51 and 52(3) of the National Insurance (Industrial Injuries) Act 1965(a) and section 10(5) of the National Insurance Act 1966(b) and of all other powers enabling her in that behalf, after consultation with the Council on Tribunals, hereby makes in consequence of the said Act of 1966 the following regulations:—

Citation, interpretation and commencement

1.—(1) These regulations, which may be cited as the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1966, shall be read as one with the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1948(c) as amended (d) (hereinafter referred to as "the principal regulations") and shall come into operation on 6th October 1966.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(e) shall apply in relation to this instrument and in relation to the revocations effected by it as if this instrument and the regulations revoked by it were Acts of Parliament and as if each revocation were a repeal.

Amendment of regulation 1 *of the principal regulations*

2. In regulation 1 of the principal regulations for the definition of "the Commissioner" there shall be substituted the following definition:—

" 'the Commissioner' means the Chief National Insurance Commissioner appointed under section 9 of the National Insurance Act 1966 and any other National Insurance Commissioner so appointed or any tribunal constituted under subsection (3) of that section;".

Amendment of regulation 12 *of the principal regulations*

3. The following paragraph shall be added at the end of regulation 12 of the principal regulations (procedure of medical appeal tribunals):—

"(5) Where in any case there is before the tribunal medical advice or medical evidence relating to the claimant which has not been disclosed to him and in the opinion of the chairman of the tribunal the disclosure to the claimant of that advice or evidence would be harmful to the claimant's health such advice or evidence shall not be required to be dislosed to the claimant but the tribunal shall not by reason of such non-disclosure be precluded from taking it into account for the purpose of their determination of the case.".

(a) 1965 c. 52. (b) 1966 c. 6. (c) S.I. 1948/1299 (Rev. XVI, p. 524: 1948 I, p. 2971).
(d) The relevant amending instrument is S.I. 1964/147 (1964 I, p. 272).
(e) 52 & 53 Vict. c. 63.

Amendment of regulation 26 of the principal regulations

4.—(1) After regulation 26(1)(*a*) of the principal regulations there shall be added the following sub-paragraph:—

"(*aa*) in the foregoing sub-paragraph the expression 'insurance tribunal' does not include the Commissioner;".

(2) In regulation 26(2) of the principal regulations for the words "a medical appeal tribunal or a local appeal tribunal" there shall be substituted the words "or a medical appeal tribunal".

Amendment of regulation 27 of the principal regulations

5. In regulation 27(3) of the principal regulations for the words "any of the proceedings mentioned in sub-paragraphs (*a*), (*b*) or (*d*) of paragraph (1) of this regulation" there shall be substituted the words "a hearing by a medical appeal tribunal".

Revocation and transitional provisions

6. The provisions of the principal regulations specified in the Schedule to these regulations are hereby revoked to the extent set out in the said Schedule:

Provided that anything done under those provisions and of effect immediately before the coming into effect of these regulations shall, in so far as it is necessary for securing the continuity of these regulations with those provisions, continue to have effect as if done under these regulations.

Margaret Herbison,
Minister of Social Security.

8th August 1966.

Regulation 6 SCHEDULE

PROVISIONS OF THE PRINCIPAL REGULATIONS REVOKED

In regulation 1(2) the words "references to a case being referred to a local appeal tribunal shall be construed as including references to a claim or question being so referred"; in regulation 13G(1) the words "any appeal from a decision of, or" and the words "appeal or"; regulations 14 to 25; in regulation 26(1) the words "an insurance officer" and "the insurance officer"; in regulation 27(1) sub-paragraphs (*a*) and (*b*); in regulation 27(2) the words "a local appeal tribunal" and the words "or the Commissioner".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

In consequence of the transfer, under section 8 of the National Insurance Act 1966, of the determination of claims and questions relating to industrial injuries from the procedure and jurisdiction under the National Insurance (Industrial Injuries) Act 1965 to the procedure and jurisdiction under the National Insurance Act 1965 various provisions of the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1948 have become unnecessary. These Regulations revoke those provisions and make the necessary consequential amendments. The Regulations also amend the principal regulations so as to give power to medical appeal tribunals in the interests of claimants not to disclose certain medical advice or evidence to them.

These Regulations are made in consequence of the passing of the National Insurance Act 1966 and therefore in accordance with section 14(6) of that Act have not been referred to the Industrial Injuries Advisory Council.