STATUTORY INSTRUMENTS

1969 No. 1749

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1969

Made - - -	*8th December* 1969
Laid before Parliament	*16th December* 1969
Coming into Operation	*5th January* 1970

The Secretary of State for Social Services, in exercise of his powers under sections 42(2) and 50(2) 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 him in that behalf, after consultation with the Council on Tribunals, and after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1969, shall be read as one with the National Insurance (Industrial Injuries) (Determination of Claims and Questions) (No. 2) Regulations 1967(c) (hereinafter referred to as "the principal regulations") and shall come into operation on 5th January 1970.

Amendment of regulation 17 *of the principal regulations*

2.—(1) In regulation 17(1) of the principal regulations (which relates to oral hearings of applications, appeals and references from medical appeal tribunals) for the proviso there shall be substituted the following words :—

"Unless after considering the documents in the case and the reasons put forward in such request, the adjudicating authority is satisfied that the application, appeal or reference can properly be determined without a hearing, in which event the adjudicating authority may refuse such request and proceed to determine the application, appeal or reference and the person who made the request shall be informed in writing of such refusal.".

(2) For paragraph (7) of the said regulation 17 (which relates to determination of appeal by consent after application) there shall be substituted the following paragraph :—

"(7) Where the Commissioner, upon consideration of an application made to him in accordance with the provisions of regulation 14 of these regulations, gives leave to appeal he may proceed to determine any question of law stated in the application for leave to appeal as though it were a question of law arising on an appeal and as though the application were an appeal :

Provided that he shall not so proceed unless the consent of the Secretary of State for Social Services and the claimant or the association has been given.".

(a) 1965 c. 52. (b) 1966 c. 6. (c) S.I. 1967/1571 (1967 III, p. 4362).

(3) At the end of the said regulation 17 there shall be added the following paragraph : -

"(11) Where on an application for leave to appeal or on an appeal there is before the Commissioner medical advice or medical evidence relating to the claimant which has not been disclosed to him and in the opinion of the Commissioner 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 disclosed to the claimant, but the Commissioner shall not by reason of such non-disclosure be precluded from taking it into account for the purpose of his determination of the application or appeal.".

Signed by authority of the Secretary of State for Social Services.

David Ennals,
Minister of State,
Department of Health and Social Security.

8th December 1969.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Insurance (Industrial Injuries) (Determination of Claims and Questions) (No. 2) Regulations 1967. The Regulations enable the National Insurance Commissioner to determine an application for leave to appeal on a point of law from the decision of a medical appeal tribunal, or such an appeal, or any question of law referred to him by a medical appeal tribunal, without an oral hearing, if he is satisfied that he can properly do so.

They also enable the Commissioner to proceed to decide a point of law raised on an application without the need for further appeal proceedings if all persons concerned agree, and to take into account certain medical advice or evidence without disclosing it to claimants when it is not in the claimants' interests to disclose it.