1966 No. 1066

SOCIAL SECURITY

The Supplementary Benefit (Appeal Tribunals) Rules 1966

Made - - - -	12*th August* 1966
Laid before Parliament	24*th August* 1966
Coming into Operation	25*th August* 1966

The Minister of Social Security, in the exercise of the powers conferred by Schedule 3, paragraph 6 of the Ministry of Social Security Act 1966(a) and of all other powers enabling her in that behalf and after consultation with the Council on Tribunals, hereby makes the following rules :—

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Supplementary Benefit (Appeal Tribunals) Rules 1966 and shall come into operation on 25th August 1966.

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

" the Act " means the Ministry of Social Security Act 1966 ;

" the Assistance Act " means the National Assistance Act 1948(b) ;

" the appellant " means a person or local authority who has brought an appeal under the Act or any other enactment to a Tribunal ;

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

" the Commission " means the Supplementary Benefits Commission ;

" the Minister " means the Minister of Social Security ;

" the Ministry " means the Ministry of Social Security ;

" the parties " means the appellant or the person concerned and the Commission, or in the case of a reference under section 26 of the Act, the Minister or in the case of a reference under paragraph 3 of Schedule 4 to the Act, the local authority ;

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

(*a*) a person in respect of whom a report has been made by the Commission to a Tribunal under section 12 of the Act ; or

(*b*) a person in respect of whom a direction of the Commission or a local authority has been referred to a Tribunal under paragraph 3 of the Fourth Schedule to the Act ; or

(*c*) where any question has arisen as to whether any or what amount paid by way of benefit is recoverable by the Minister from any person under section 26 of the Act, that person ;

" Tribunal " means an Appeal Tribunal under the Act ;

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

(a) 1966 c. 20. (b) 1948 c. 29

(3) References in these regulations to any enactment or regulations shall, unless the context otherwise requires, include references to such enactment or regulations, as amended by any subsequent enactment, order or regulations, and to any enactments, orders or regulations which replace them by provisions which deal with the same subject matter and are (so far as material) to the like effect.

(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 rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purpose of the interpretation of these rules as they apply for the purpose of the interpretation of an Act of Parliament.

Tenure of office of members of Tribunals

2. The chairman and the other members of a Tribunal shall hold office in accordance with the terms of their respective letters of appointment.

Procedure on reports made by the Commission under section 12 of the Act

3.—(1) Where the Commission have made a report to a Tribunal under section 12 of the Act (modification of right to supplementary allowance in special cases) the Tribunal shall, as soon as may be hold an oral hearing.

(2) A representation under subsection (5) of the said section 12 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.

Time and manner of bringing appeals

4. An appeal against a determination by the Commission or its refusal to review a determination shall be brought by giving notice of the appeal in writing at an office of the Ministry and, except in the case of an appeal by a local authority under section 25 of the Assistance Act (appeal against requirement of Commission to local authority to provide accommodation in urgent cases), such notice shall be given within 21 days of the notification 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 references to Tribunals under section 26 of the Act

5. Any question arising as to whether any or what amount paid by way of benefit is recoverable by the Minister under section 26(1) of the Act (recovery in cases of misrepresentation or non-disclosure) shall be referred by the Minister to a Tribunal by notice in writing, and the Tribunal shall, as soon as may be, hold an oral hearing.

Procedure on reference under paragraph 3 of Schedule 4 to the Act

6. A requirement that a direction given by the Commission or a local authority under paragraph 3(2) of Schedule 4 to the Act (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 Commission or the local authority as the case may require, and the Tribunal shall, as soon as may be, hold an oral hearing.

(a) 1889 c. 63.

Jurisdiction of Tribunals

7. All matters which are required to be brought in accordance with the provisions of these rules, other than rule 3(2), before a Tribunal shall be 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 Minister in any particular case or class of cases may direct.

Time and place of hearing

8.—(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 parties, and, except with the consent of those parties, the Tribunal shall not proceed with the hearing unless such notice has been given.

(2) If a party to whom notice of an oral hearing has been duly given in accordance with the foregoing provisions of this rule should fail to appear at such hearing, the Tribunal may proceed to consider and determine the matter notwithstanding the absence of that party, or may give such directions with a view to the consideration and determination of the matter as they may think proper, having regard to all the circumstances including any explanation offered for the absence.

Procedure in absence of members of the Tribunal

9. The consideration of any matter may, with the consent of the parties, but not otherwise, be proceeded with in the absence of any member of a Tribunal other than the chairman.

Procedure at hearings

10.—(1) The clerk of a Tribunal, or his deputy, shall be present at all sittings of the Tribunal, and the parties shall be entitled to be present during an oral hearing and to be heard, and may be represented or accompanied by any person whether having legal qualifications or not.

(2) The 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.

(3) For the purpose of discussing their determination on any matter, the Tribunal may order any person to withdraw.

(4) Nothing in this rule shall prevent a member of the Council on Tribunals or of the Scottish Committee of the Council from attending an oral hearing in his capacity as such.

Determination of Tribunals

11. The determination on any matter of the majority of a Tribunal shall be the determination of the Tribunal, and the Tribunal shall record in writing all their determinations, and as soon as is practicable after any matter has been determined, the clerk of the Tribunal shall notify the parties of the determination.

General provision as to proceedings before Tribunals

12.—(1) The Minister may pay travelling and other allowances (including 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 wtih the provisions of these rules to represent or to accompany the appellant or the person concerned at such hearing.

(2) Any person desiring to claim an allowance as aforesaid shall forthwith submit a claim to the Minister, whose decision thereon shall be final.

Revocation of existing rules

13. The National Assistance (Appeal Tribunals) Rules Confirmation Instrument 1948(**a**) and the National Assistance (Appeal Tribunals) Amendment Rules Confirmation Instrument 1958(**b**) shall cease to have effect on 28th November 1966.

Margaret Herbison,
Minister of Social Security.

12th August 1966.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules provide for the procedure of Appeal Tribunals constituted under the Ministry of Social Security Act 1966 for the manner in which, and the time within which, matters may be brought before such Tribunals and for the payment to persons attending proceedings before Tribunals of travelling and other allowances.

(**a**) S.I. 1948/1454 (Rev. XV, p. 281: 1948 I, p. 1984).
(**b**) S.I. 1958/714 (1958 I, p. 1524).