1966. No. 250 **[C]**

SUPPLEMENTARY BENEFITS

Appeal Tribunals

RULES, DATED 14TH OCTOBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE SUPPLEMENTARY BENEFITS &C. ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in exercise of powers conferred by paragraph 6 of Schedule 3 to the Supplementary Benefits &c. Act (Northern Ireland) 1966(a), and of all other powers enabling it in that behalf, hereby makes the following rules:

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Supplementary Benefit (Appeal Tribunals) Rules (Northern Ireland) 1966 and shall come into operation on 17th October 1966.

(2) In these rules—

"the Act" means the Supplementary Benefits &c. Act (Northern Ireland) 1966;

"the appellant" means a person who has brought an appeal under the Act to a tribunal;

"the chairman" means the chairman of a tribunal;

"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 Ministry;

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

"tribunal" means an Appeal Tribunal under the Act.

(3) 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.

Tenure of office of members of tribunals

2.—(1) The chairman and the other members of a tribunal shall hold office in accordance with the terms of their respective letters of appointment.

(2) So far as practicable, each member of a panel constituted by the Ministry under paragraph 3(3) of Schedule 3 to the Act, shall be invited to serve in turn upon a tribunal but no member shall sit upon a tribunal during the consideration of a case—

(*a*) in which he appears as the representative of or accompanies the appellant or the person concerned; or

(a) 1966. c. 28 (N.I.).

(*b*) by which he is or may be directly affected; or

(*c*) in which he has taken any part as an official of an association, or as an employer, or as a witness.

(3) Where several persons are appointed to a panel constituted by the Ministry under paragraph 3(2) of Schedule 3 to the Act to preside as chairmen over a tribunal for a particular area they shall as far as practicable be invited to preside over that tribunal in turn.

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 their refusal to review a determination shall be brought by giving notice of the appeal in writing at an office of the Ministry and 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 Ministry under section 26(1) of the Act (recovery in cases of misrepresentation or non-disclosure) shall be referred by the Ministry to a tribunal by notice in writing, and the tribunal shall, as soon as may be, hold an oral hearing.

Jurisdiction of tribunals

6. 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 Ministry in any particular case or class of cases may direct.

Time and place of hearing

7.—(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

8. 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

9.—(1) Subject to paragraph (3), the clerk of a tribunal 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.

Determination of tribunals

10. 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

11. The Ministry 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 with the provisions of these rules to represent or to accompany the appellant or the person concerned at such hearing, as the Ministry with the consent of the Ministry of Finance may determine.

Revocation of existing rules

12. The National Assistance (Appeal Tribunals) Rules (Northern Ireland) 1948(**a**) and the National Assistance (Appeal Tribunal) Amendment Rules (Northern Ireland) 1958(**b**) shall cease to have effect on 27th November 1966.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 14th day of October 1966.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

EXPLANATORY NOTE

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

The Rules provide for the procedure of Appeal Tribunals constituted under the Supplementary Benefits &c. Act (Northern Ireland) 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.R. & O. (N.I.) 1948, No. 251. (b) S.R. & O. (N.I.) 1958, No. 165.