**1982 No. 29**

## SOCIAL SECURITY

### The Social Security (Determination of Claims and Questions) (Amendment) Regulations (Northern Ireland) 1982

| | |
|---|---|
| *Made* . . . . . | *1st February 1982* |
| *Coming into operation* . . . | *8th March 1982* |

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 106(2), 110(5) and 115 of, and Schedule 13 to, the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Social Security (Determination of Claims and Questions) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 8th March 1982.

(2) In these regulations—

"the principal regulations" means the Social Security (Determination of Claims and Questions) Regulations (Northern Ireland) 1975(**b**);

"the Attendance Allowance Regulations" means the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1975(**c**).

*Amendment of the principal regulations*

**2.**—(1) In regulation 3(2) of the principal regulations (persons to be ordered to withdraw while local tribunals, medical boards and medical appeal tribunals consider their decisions or discuss procedure) the words "or discussing any question of procedure" shall be deleted and after the words "case may be, shall" there shall be inserted "and for the purpose of discussing any question of procedure, may".

(2) Regulation 10 of the principal regulations (time and place of hearings before local tribunals) shall be amended as follows—

(*a*) in paragraph (2) after "Reasonable notice" there shall be inserted "(being not less than 10 days beginning with the day on which the notice is given and ending on the day before the hearing of the case is to take place)"; and for the words from "except with the consent of the claimant" to the end there shall be substituted "if such notice has not been given to a person to whom it should have been given under the foregoing provisions of this paragraph the tribunal shall not proceed with the hearing of the case without the consent of that person.";

(*b*) in paragraph (3) for "proceed to determine the case" there shall be substituted "proceed with the case" and the proviso to the paragraph is revoked.

(3) In regulation 11 of the principal regulations (hearings before local tribunals) after paragraph (4) there shall be inserted the following paragraph—

---

(**a**) 1975 c. 15
(**b**) S.R. 1975 No. 100; the relevant amending regulation is S.R. 1980 No. 383
(**c**) S.R. 1975 No. 102 to which there are amendments not relevant to these regulations

"(4A) Where a hearing is adjourned and at the hearing after the adjournment the tribunal is differently constituted, otherwise than through the operation on that occasion of paragraph (4), the proceedings at that hearing shall be by way of a complete re-hearing of the case.".

(4) In regulation 13(4) of the principal regulations (procedure before Commissioner on appeal from a local tribunal) for "proceed to determine the appeal" there shall be substituted "proceed with the case".

(5) Regulation 22 of the principal regulations (procedure of medical appeal tribunals) shall be amended as follows—

(*a*) in paragraph (2) after "Reasonable notice" there shall be inserted "(being not less than 10 days beginning with the day on which the notice is given and ending on the day before the hearing of the case is to take place)";

(*b*) in paragraph (4) for "proceed to determine the case" there shall be substituted "proceed with the case" and the proviso to the paragraph is revoked.

(6) Regulation 26 of the principal regulations (review of decisions involving payment or increase of industrial injuries benefit) shall be amended as follows—

(*a*) in paragraph (1) after "Where on a review a decision" there shall be inserted "of an insurance officer, a local tribunal or a Commissioner";

(*b*) after paragraph (2) there shall be added the following paragraph—

"(3) Where a decision is reviewed at the instance of an insurance officer under section 104(1), the date on which it was first decided by the insurance officer that the decision should be reviewed shall be treated for the purposes of this regulation as the date of application for review.".

(7) In regulation 29 of the principal regulations (period to be taken into account by assessments revised on grounds of unforeseen aggravation) for "before the date of the application for the review" there shall be substituted—

"before—

(*a*) if the review was in consequence of an application by the claimant, or a person acting on his behalf, the date of that application; or

(*b*) if the review was in consequence of a decision on a recrudescence question, within the meaning of regulation 23(1)(*b*) of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1977(**a**), given under regulation 7(4) of those regulations (recrudescence of a prescribed disease), the date of the claim on which that decision was given,".

*Insertion of regulation 5A in the principal regulations*

**3.** After regulation 5 of the principal regulations there shall be inserted the following regulation—

"*Withdrawal of appeals to local tribunals and of appeals and references to medical appeal tribunals*

**5A.**—(1) A person who has appealed to a local tribunal against a decision of an insurance officer may withdraw his appeal—

(*a*) by giving written notice of intention to withdraw to the tribunal before the date fixed for the hearing of the appeal, if the insurance officer gives his written consent to such withdrawal before the hearing begins; or

(*b*) by request made to the chairman of the tribunal for leave to withdraw, if the chairman at a hearing of the tribunal gives leave to withdraw.

(**a**) S.R. 1977 No. 272 to which there are amendments not relevant to these regulations