1971. No. 162 **[C]**

SUPPLEMENTARY BENEFITS

Appeal Tribunal

RULES, DATED 3RD JUNE 1971, 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 being rules subject to negative resolution in accordance with section 38(2) of that Act:

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Supplementary Benefit (Appeal Tribunal) Rules (Northern Ireland) 1971 and shall come into operation on 1st July 1971.

(2) In these rules—

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

"the Assistance Act" means the National Assistance Act (Northern Ireland) 1948(**b**);

"Appeal Tribunal" means an Appeal Tribunal constituted in accordance with the provisions of Schedule 3 to the Act;

"the appellant" means a person who has brought an appeal under the Act or under any other enactment conferring powers on Appeal Tribunals;

"the chairman" means the chairman of the Appeal Tribunal;

"the clerk" means the clerk to the Appeal Tribunal;

"interested persons" means the appellant or the person concerned and the Commission, or in the case of a reference under section 26 of the Act or in connection with proceedings taken by the Ministry under paragraph 8 of Schedule 6 to the Act, the Ministry, and references to an interested person shall be construed accordingly;

"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 the Appeal 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, or assistance under the Assistance Act, is recoverable by the Ministry from any person under section 26 of the Act, or by virtue of proceedings taken by the Ministry under paragraph 8 of Schedule 6 to the Act, respectively, that person.

(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.

(**a**) 1966. c. 28 (N.I.). (**b**) 1948. c. 13.

(*b*) an interested person who does not attend an oral hearing may be represented by not more than two persons.

(4) A person representing an interested person at an oral hearing shall have all the rights of an interested person referred to in paragraph (2).

(5) The Appeal Tribunal may permit to attend an oral hearing a person (not being a child) whose requirements and resources are, were or may be aggregated, under paragraph 3 of Schedule 2 to the Act, with those of an interested person.

(6) Subject to paragraph (7), the chairman may allow not more than two persons (other than interested persons or persons accompanying or representing interested persons) to be present at any oral hearing if he is satisfied that they are persons who are genuinely engaged in research connected with appeals to Appeal Tribunals or have other good and sufficient reasons for being present at an oral hearing before the Appeal Tribunal and if—

(*a*) such persons have given the clerk reasonable notice in writing of their desire to be present and of their reasons for desiring to be present;

(*b*) such persons have given the clerk a written undertaking not to make public any information they obtain while present at any oral hearing in such a way as is likely to enable interested persons (other than the Commission) to be identified by members of the public; and

(*c*) the interested persons at any oral hearing who are present, who shall be informed of the desire of such persons to be present and of their reasons for desiring to be present before any hearing commences, do not object.

(7) Any persons who are allowed to be present at any oral hearing by virtue of the provisions of paragraph (6) shall take no part in the proceedings and may at any time be required by the Appeal Tribunal to withdraw from the hearing.

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

(9) Subject to the provisions of paragraphs (1) to (8), no member of the public shall be permitted to be present at any oral hearing of the Appeal Tribunal.

(10) Subject to the provisions of these rules, the procedure in connection with the consideration and determination of any matter by the Appeal Tribunal shall be such as the chairman shall determine.

Determinations of the Appeal Tribunal

11.—(1) The Appeal Tribunal shall record every determination and provide a statement of the reasons therefor in writing and the determination on any matter of the majority of the Appeal Tribunal shall be the determination of the Appeal Tribunal.

(2) As soon as practicable after the Appeal Tribunal give their determination copies of the determination and of the statement of the reasons, made in accordance with paragraph (1), shall be sent to the interested persons by the clerk.