1971. No. 124 [C]

FAMILY INCOME SUPPLEMENTS

Appeal Tribunal

RULES, DATED 27TH APRIL 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 Family Income Supplements (Appeal Tribunal) Rules (Northern Ireland) 1971 and shall come into operation on 3rd May 1971.

(2) In these rules—

"the Act" means the Family Income Supplements Act (Northern Ireland) 1971(**b**);

"the Appeal Tribunal" has the same meaning as in section 7(3) of the Act;

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

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

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

"determination" means a determination under the Act;

"interested persons" means the appellant, the Commission and a person whose right to receive benefit under the Act may be directly affected by the appeal, and references to an interested person shall be construed accordingly;

and other expressions have the same meanings as in the Supplementary Benefits &c. Act (Northern Ireland) 1966.

(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; and in a case where both a man and a woman are members of the same family for the purposes of the Act, any such notice or document shall, unless in any case or class of cases the Ministry otherwise directs, be deemed to have been given or sent to both that man and that woman if it has been given or sent to one of them.

(a) 1966. c. 28 (N.I.). (b) 1971. c. 8 (N.I.).

Time and manner of bringing appeals

2. An appeal against a determination made by the Commission, including a determination refusing to review a determination, shall be brought by giving notice of the appeal in writing at an office of the Ministry within twenty-one days of the notification of that determination, or within such further time as the chairman may for good cause allow, and the Appeal Tribunal shall, as soon as may be, hold an oral hearing.

Time and place of hearings before the Appeal Tribunal

3.—(1) Reasonable notice of the time and place of an oral hearing, together with copies of documents supplied to the Appeal Tribunal for the purposes of the appeal, shall be given to the interested persons by the clerk, and, except with the consent of the interested persons, the Appeal Tribunal shall not proceed with the hearing of any appeal unless such notice has been given.

(2) If any interested person 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 Appeal Tribunal may proceed to consider and determine the appeal notwithstanding the absence of that interested person, or may give such directions with a view to the consideration and determination of the appeal as, having regard to all the circumstances, including any explanation offered for the absence, they may think proper.

Procedure in absence of a member of the Appeal Tribunal and at an adjourned hearing

4.—(1) Any appeal may, unless an interested person objects, be proceeded with in the absence of any one member of the Appeal Tribunal other than the chairman.

(2) Subject to paragraph (1), where a hearing before the Appeal Tribunal is adjourned and at the adjourned hearing the Appeal Tribunal is differently constituted, the proceedings at the adjourned hearing shall be by way of a complete rehearing of the appeal.

Hearings before the Appeal Tribunal

5.—(1) Subject to paragraph (7), the clerk shall be present at all sittings of the Appeal Tribunal.

(2) An interested person shall be entitled to be present during an oral hearing, to be heard, to call persons to give evidence and to put questions directly to any other interested person who is present and to any person who gives evidence.

(3) An interested person who attends an oral hearing shall be entitled to be accompanied by not more than two persons, either or both of whom (whether having professional qualifications or not) may represent that interested person at such hearing, and an interested person who does not attend an oral hearing shall be entitled to be represented by not more than two persons (whether having professional qualifications or not) at such hearing, but, except with the consent of the Appeal Tribunal—

(*a*) an interested person who attends an oral hearing may be accompanied by not more than two persons (whether attending as representatives of the interested person they accompany or otherwise); and

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