1966. No. 233 **[C]**

NATIONAL INSURANCE

Determination of Claims and Questions

REGULATIONS, DATED 3RD OCTOBER 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sections 72 and 74(2) of the National Insurance Act (Northern Ireland) 1966(**a**), as amended by sections 8 and 9 of the National Insurance (No. 2) Act (Northern Ireland) 1966(**b**), and by section 14(6) of the last-mentioned Act, and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Determination of Claims and Questions) Amendment Regulations (Northern Ireland) 1966 shall be read as one with the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1948(**c**) (hereinafter referred to as "the principal regulations") and shall come into operation on 6th October 1966.

Amendment of regulation 1 *of the principal regulations*

2. In regulation 1(2) of the principal regulations after the definition of "question", there shall be added the following words:

"the expressions 'medical examination' and 'medical practitioner' have the same meanings as in the Industrial Injuries Act, and references to being medically examined shall be construed accordingly."

Amendment of regulation 13 *of the principal regulations*

3. Immediately after paragraph (7) of regulation 13(**d**) of the principal regulations (hearings before local tribunals) there shall be added the following paragraphs:

"(8) In such cases as the chairman of the local tribunal may determine, a medical practitioner may sit with that tribunal as an assessor.

(9) An assessor sitting with a local tribunal as aforesaid shall not take any part in the determination or decision of that tribunal except in an advisory capacity."

Industrial Injuries questions

4. Where by virtue of section 8 of, and Schedule 2 to, the National Insurance (No. 2) Act (Northern Ireland) 1966, the provisions of regulations 12 to 17 of the principal regulations fall to be applied to the determination of claims and questions under the Industrial Injuries Act they shall so apply as if in any of those provisions specified in column 1 of the Schedule to these regulations there were made the modifications specified in column 3 of that Schedule.

(**a**) 1966. c. 6 (N.I.).
(**b**) 1966. c. 16 (N.I.).
(**c**) S.R. & O. (N.I.) 1948, No. 185.
(**d**) See reg. 2 of S.R. & O. (N.I.) 1958, No. 159.

Application for review

5. Where, in the opinion of the insurance officer, an application made under the provisions of section 71(2) of the National Insurance Act (Northern Ireland) 1966 raises a question as to the review of a decision of a medical appeal tribunal and, by virtue of section 40(4) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(a), such decision may not be reviewed without the leave of a medical appeal tribunal, the insurance officer shall submit the application to a medical appeal tribunal so that such tribunal may consider whether such leave shall be granted and shall not refer the question to a medical board with a view to a review of that decision unless that medical appeal tribunal grant such leave.

Miscellaneous powers of Ministry, insurance officer and local tribunals

6. For the purpose of the determination of any question by the Ministry, an insurance officer or a local tribunal, the Ministry, the insurance officer or the local tribunal, as the case may be, may refer to a medical practitioner for examination and report any question arising for its, his or their decision.

Amendment of regulation 19 *of the principal regulations*

7. In paragraph (2)(*a*) of regulation 19(**b**) of the principal regulations (review of decisions), immediately before the words "the proviso" there shall be inserted the following words:

"or by reason only of a matter specified in section 2(9) of the National Insurance (No. 2) Act (Northern Ireland) 1966 (determination of reckonable earnings),".

Non-disclosure of evidence by local tribunal and Commissioner

8. Where, in connection with the determination of any claim or question, there is before a local tribunal or the Commissioner medical advice or medical evidence relating to the claimant which has not been disclosed to him and, in the opinion of the chairman of the local tribunal or the Commissioner, as the case may be, the disclosure to the claimant of that advice or evidence would be harmful to the claimant's health, such advice or evidence shall not be required to be disclosed to the claimant, but the local tribunal or the Commissioner shall not by reason of such non-disclosure be precluded from taking it into account for the purpose of the said determination.

New provisions added to the principal regulations

9. Immediately after regulation 1 of the principal regulations there shall be inserted the following provisions:

"PART IA

DETERMINATION OF QUESTIONS

Variation of certain provisions of Part IV of the National Insurance Act (Northern Ireland) 1966

1A. Any question to which section 66(1) (questions to be determined by insurance officers, local tribunals or Commissioner) of the National Insurance Act (Northern Ireland) 1966 applies shall be determined in accordance with the provisions of sections 67 to 71 of the said Act and of these regulations, subject to the variations of the provisions of the said sections made by this Part of these regulations.

(a) 1966. c. 9 (N.I.). (b) See Part II of Sch. 3 to S.R. & O. (N.I.) 1961, No. 86.