Given under the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 29th day of July, nineteen hundred and fifty-eight.

(L.S.) *H. A. Lowry,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of July, nineteen hundred and fifty-eight.

(L.S.) *W. W. Arthur,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

EXPLANATORY NOTE

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

These regulations amend the National Insurance (Airmen) Regulations (Northern Ireland), 1948, by extending the provisions of those regulations, which make exceptions from disqualification for receipt of sickness benefit by reason of absence from Northern Ireland, and by applying those provisions to certain persons who travel to commence employment as aircrew abroad. They provide that the provisions of those regulations which suspend payment of benefit to airmen while absent from Northern Ireland shall cease to have effect. The remaining alterations are of a minor and consequential character.

Determination of Claims and Questions Amendment Regulations (Northern Ireland), 1958

REGULATIONS, DATED 7TH OCTOBER, 1958, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1958. No. 159 **[C]**

The Ministry of Labour and National Insurance, in exercise of powers conferred by section 40 of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Determination of Claims and Questions) Amendment Regulations (Northern Ireland), 1958, shall be read as one with

(a) 1946. c. 23.

the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(a), (hereinafter referred to as " the principal regulations ") and shall come into operation on the 10th November, 1958.

Amendment of regulations 10 *to* 16 *of the principal regulations*

2. For regulations 10 to 16 of the principal regulations there shall be substituted the following regulations:—

" *Submission of questions to insurance officers*

10.—(1) The Ministry shall submit forthwith any question as to the right to benefit to an insurance officer, who shall take the question into consideration, and, so far as practicable, dispose of the question in accordance with the provisions of these regulations within fourteen days of the question being submitted to him.

(2) An insurance officer may, subject to the provisions of regulation 23,—

(*a*) decide the question in favour of the claimant; or

(*b*) decide the question adversely to the claimant; or

(*c*) refer the question to a local tribunal.

(3) Where an insurance officer has decided any question adversely to a claimant, the claimant shall be notified in writing of the decision and the reasons therefor and of his right of appeal from the decision to a local tribunal in accordance with regulation 11.

(4) Where an insurance officer refers a question to a local tribunal in accordance with the provisions of sub-paragraph (*c*) of paragraph (2) of this regulation, notice in writing of such reference shall be given to the claimant.

Appeals to local tribunals

11.—(1) Subject to the provisions of this regulation, where an insurance officer has decided a question adversely to the claimant, the claimant may appeal to a local tribunal from the decision of the insurance officer:

Provided that where one of the questions mentioned in paragraph (1) of regulation 2, or in subsection (2) of section 40 of the Act, has arisen in connection with the decision of an insurance officer, and has been determined, and an insurance officer certifies that that determination is the sole ground of the decision, no appeal shall lie without leave of the chairman of the local tribunal.

(2) An appeal against a decision of an insurance officer shall be brought by giving notice of appeal within twenty-one

(a) S.R. & O. (N.I.) 1948, No. 185 as amended by reg. 13 of, and Third Schedule to, National Insurance (Death Grant) Regulations (Northern Ireland), 1949 (S.R. & O. (N.I.) 1949, No. 142); S.R. & O. (N.I.) 1951, No. 157; reg. 21 of, and Second Schedule to, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953 (S.R. & O. (N.I.) 1953, No. 123); S.R. & O. (N.I.) 1956, No. 8; and S.R. & O. (N.I.) 1957, No. 169.

days after the date of that decision or within such further time as the chairman of the local tribunal may for good cause allow.

(3) A notice of appeal shall be given in writing at an office of the Ministry and shall contain a statement of the grounds upon which the appeal is made.

Hearings before local tribunals

12.—(1) A local tribunal shall hear any case of an appeal from the decision of an insurance officer or of a reference from an insurance officer.

(2) Reasonable notice of the time and place of the hearing by a local tribunal shall be given to the claimant, an insurance officer and to any other person who may appear to the chairman of the tribunal to be interested, and, except with the consent of the claimant, the local tribunal shall not proceed with the hearing of any case unless such notice has been given.

(3) If a claimant or other person to whom notice of hearing has been duly given in accordance with these regulations should fail to appear at such hearing and has not given a reasonable explanation for his absence, the tribunal may proceed to determine the case notwithstanding the absence of the claimant or that other person, or may give such directions with a view to the determination of the case as they may think proper.

13.—(1) The hearing by a local tribunal of any appeal or reference shall be in private if the chairman so directs on the grounds that in his opinion intimate personal or financial circumstances may have to be disclosed or that considerations of public security are involved.

(2) Except as aforesaid, any hearing by a local tribunal shall be in public.

(3) Any person to whom notice of the hearing has been given in accordance with paragraph (2) of regulation 12 and any other person appearing to the tribunal to be interested shall be entitled to be heard at the hearing of any case by a local tribunal.

(4) Any person having the right to be heard who appears at a hearing by a local tribunal may call witnesses and shall be given an opportunity of putting questions directly to any witnesses called at the hearing.

(5) Any person having the right to be heard at the hearing of a case by a local tribunal may be represented by some other person whether having professional qualifications or not and, for the purposes of the proceedings at any such hearing, any such representative shall have all the rights and powers to which the person whom he represents is entitled under these regulations.

(6) Any person appearing to a local tribunal to be interested in any case being heard by the tribunal shall have the right to be present at the hearing notwithstanding that the hearing of the case is not in public.