1982 No. 31

SOCIAL SECURITY

The Child Benefit (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, in exercise of the powers conferred on it by Article 9 of the Child Benefit (Northern Ireland) Order 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 Child Benefit (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 Child Benefit (Determination of Claims and Questions) Regulations (Northern Ireland) 1976(**b**).

Insertion of regulation 5A in the principal regulations

2. After regulation 5 of the principal regulations (appeal from local tribunal to Commissioner) there shall be inserted the following regulation—

"*Withdrawal of appeal to local tribunal*

5A.—(1) A person who has appealed to a local tribunal in accordance with regulation 4(1) 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.

(2) A notice of intention to withdraw an appeal, or a declaration made by or on behalf of the appellant of his desire to withdraw an appeal, may be treated as a request for leave within paragraph (1)(*b*).".

Amendment of regulation 11 of the principal regulations

3. At the beginning of regulation 11(2) of the principal regulations (persons to be ordered to withdraw while a local tribunal consider their decision or discuss procedure) for the words "For the purpose of arriving at their decision or discussing any question of procedure, a local tribunal shall" there shall be substituted "For the purpose of arriving at their decision a local tribunal shall, and for the purpose of discussing any question of procedure, may".

Amendment of regulation 12 of the principal regulations

4. In regulation 12 of the principal regulations (time and place of hearings before a local tribunal)—

(**a**) S.I. 1975/1504 (N.I. 16)
(**b**) S.R. 1976 No. 225 to which there are amendments not relevant to these regulations

(*a*) in paragraph (1) for "the date of the notice" there shall be substituted "the day on which the notice is given";

(*b*) in paragraph (2) for "proceed to determine" there shall be substituted "proceed with".

Amendment of regulation 13 of the principal regulations

5. In regulation 13 of the principal regulations (hearings before a local tribunal) after paragraph (3) there shall be inserted the following paragraph—

"(3A) 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 (3), the proceedings at that hearing shall be by way of a complete re-hearing of the case.".

Amendment of regulation 15 of the principal regulations

6. In regulation 15(4) of the principal regulations (procedure before Commissioner on appeal from a local tribunal) for "proceed to determine" there shall be substituted "proceed with".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 1st February 1982.

(L.S.) *John M. Steele*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend provisions of the Child Benefit (Determination of Claims and Questions) Regulations (Northern Ireland) 1976 ("the principal regulations") affecting adjudication procedure on claims under the Child Benefit (Northern Ireland) Order 1975.

Regulation 2 inserts regulation 5A in the principal regulations providing for withdrawal of appeals to a local tribunal. Regulation 3 converts the requirement under regulation 11(2) of the principal regulations that the tribunal shall order persons to withdraw while any question of procedure is discussed into a requirement that the tribunal may order persons so to withdraw. Regulations 4 and 6 make minor amendments to regulations 12 and 15 of the principal regulations which provide that a local tribunal or the Commissioner may proceed with a case where a person concerned fails to attend a hearing. Regulation 5 inserts paragraph (3A) in regulation 13 of the principal regulations so as to provide for a complete re-hearing by a local tribunal of a case where, following an adjournment, the tribunal is differently constituted.