Determination of Claims and Questions Amendment Regulations (Northern Ireland), 1956

REGULATIONS, DATED 13TH JANUARY, 1956, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1956. No. 8 **[C]**

The Ministry of Labour and National Insurance, in exercise of the 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), 1956, shall be read as one with the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(b), (hereinafter referred to as "the principal regulations") and shall come into operation on the 16th January, 1956.

Amendment of regulation 15 of the principal regulations

2.—(1) Regulation 15 of the principal regulations (which relates to appeals to the umpire from local tribunals) shall be amended in accordance with the next following paragraph and accordingly shall have effect as set out in the schedule hereto.

(2) In sub-paragraph (*c*) of paragraph (1) of the said regulation 15, for the words "of which, in either case", there shall be substituted the words "where in either case—(i).";; after the words "is a member", there shall be inserted the words "of the association"; and after the word "arose", there shall be inserted the words "or (ii) the question at issue relates to the right to benefit by virtue of the insurance of a deceased person and that person was a member of the association at the time of his death".

Amendment of regulation 16 of the principal regulations

3. The following paragraphs shall be added after paragraph (5) of regulation 16 of the principal regulations (which relates to procedure before the umpire):—

(5A) If it appears to the umpire that any appeal which is made to him involves a question of fact of special difficulty, the umpire may direct that in dealing with the appeal or any part thereof he shall have the assistance of an assessor or assessors.

(a) 1946. c. 23.
(b) 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; and 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).

(5B) The umpire may, if he thinks fit, refer any question arising for his decision to a registered medical practitioner for examination and report.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 13th day (L.S.) of January, 1956, in the presence of

William Allen,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

SCHEDULE Regulation 2.

CONTAINING REGULATION 15 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Appeals to the umpire from local tribunals

15.—(1) Subject as hereinafter provided, an appeal shall lie to the umpire from any decision of a local tribunal at the instance of—

(*a*) an insurance officer;

(*b*) the claimant;

(*c*) an association of employed persons, or any other association which exists to promote the interests and welfare of its members, *where in either case—*

(*i*) the claimant at the time of the appeal is a member *of the association* and was so immediately before the question at issue arose; *or*

(*ii*) *the question at issue relates to the right to benefit by virtue of the insurance of a deceased person and that person was a member of the association at the time of his death*:

Provided that in the case of the claimant no appeal shall lie without leave of the local tribunal or of the umpire, except in a case in which the decision of the local tribunal is not unanimous.

(2) An appeal to the umpire must be brought within three months from the date of the decision of the local tribunal, or such further period as the umpire may in any case for special reasons allow, and such an appeal shall be brought by giving notice in writing in a form approved by the Ministry stating the grounds of the appeal—

(*a*) in the case of an appeal by the insurance officer, to the claimant: and

(*b*) in the case of an appeal by the claimant or the association mentioned in sub-paragraph (*c*) of paragraph (1) of this regulation, to the Ministry.

(3) Where leave to appeal to the umpire is not granted when the decision of the local tribunal is given, an application for such leave may be made by the person desiring to appeal, in a form approved by the Ministry, and within twenty-one days of the date of the decision or such further period as may in any case for special reasons be allowed, but any such application shall be made in the first instance to the local tribunal and not to the umpire.

(4) An application for leave to appeal shall be granted by the local tribunal or the umpire if it appears to them or to him that there is a principle of importance involved in the case, or that there are any other special circumstances by reason of which leave to appeal ought to be granted.

(5) Where a local tribunal grant leave to appeal, they shall record in writing a statement of the grounds on which leave to appeal is granted.

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* The words added or substituted by these regulations are shown in italics.