1966. No. 234 **[C]**

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

Determination of Claims and Questions

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

The Ministry of Health and Social Services, in exercise of powers conferred by sections 44(1), 46(1), 49(2), 50 and 51(2) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(a) and section 14(6) of the National Insurance (No. 2) Act (Northern Ireland) 1966(b), 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 (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations (Northern Ireland) 1966, shall be read as one with the National Insurance (Industrial Injuries) (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 12 of the principal regulations

2. The following paragraph shall be added at the end of regulation 12 of the principal regulations (procedure of medical appeal tribunals):

"(5) Where in any case there is before the tribunal 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 tribunal 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 tribunal shall not by reason of such non-disclosure be precluded from taking it into account for the purpose of their determination of the case."

Amendment of regulation 26 of the principal regulations

3. In regulation 26(2) of the principal regulations for the words "a medical appeal tribunal or a local appeal tribunal" there shall be substituted the words "or a medical appeal tribunal".

Revocation and transitional provisions

4. The provisions of the principal regulations specified in the Schedule to these regulations are hereby revoked to the extent set out in the said Schedule:

Provided that anything done under those provisions and of effect immediately before the coming into effect of these regulations shall, in so far as it is necessary for securing the continuity of these regulations with those provisions, continue to have effect as if done under these regulations.

(a) 1966. c. 9 (N.I.).
(b) 1966. c. 16 (N.I.).
(c) S.R. & O. (N.I.) 1948, No. 201.

5. Any decision given by any Commissioner, deputy Commissioner, umpire or deputy umpire for the purposes of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 or the enactments re-enacted by that Act shall be treated from the date of coming into operation of these regulations as a decision given by a Commissioner appointed under section 9 of the National Insurance (No. 2) Act (Northern Ireland) 1966.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 3rd day of October 1966.

(L.S.)

H. A. Lowry,
Assistant Secretary.

SCHEDULE Regulation 4

Provisions of the Principal Regulations revoked

In regulation 1(2) the words "references to a case being referred to a local appeal tribunal shall be construed as including references to a claim or question being so referred"; regulations 14 to 25; in regulation 26(1) the words "an insurance officer" and "the insurance officer"; in regulation 27(1) sub-paragraphs (*a*) and (*b*); in regulation 27(2) the words "a local appeal tribunal" and the words "or the umpire".

EXPLANATORY NOTE

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

In consequence of the transfer, under section 8 of the National Insurance (No. 2) Act (Northern Ireland) 1966, of the determination of claims and questions relating to industrial injuries from the procedure and jurisdiction under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 to the procedure and jurisdiction under the National Insurance Act (Northern Ireland) 1966 various provisions of the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations (Northern Ireland) 1948 have become unnecessary. These Regulations revoke those provisions and make the necessary consequential amendments. The Regulations also amend the principal regulations so as to give power to medical appeal tribunals in the interests of claimants not to disclose certain medical advice or evidence to them.

In addition the Regulations contain transitional provisions which preserve the authority of the decisions of the Commissioner, deputy Commissioner, umpire or deputy umpire given prior to the coming into operation of section 9 of the National Insurance (No. 2) Act (Northern Ireland) 1966.