STATUTORY INSTRUMENTS

# 1964 No. 147

# NATIONAL INSURANCE (INDUSTRIAL INJURIES)

## The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1964

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| *Made* - - - - | *4th February* 1964 |
| *Laid before Parliament* | *11th February* 1964 |
| *Coming into Operation* | *12th February* 1964 |

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 51 of the National Insurance (Industrial Injuries) Act 1946(a) and section 2 of the Family Allowances and National Insurance Act 1959(b) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals, and after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations:—

*Citation, interpretation and commencement*

**1.** These regulations, which may be cited as the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1964, shall be read as one with the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1948(c), (hereinafter referred to as "the principal regulations") as amended(d) and shall come into operation on the 12th February 1964.

*Amendment of regulation* 12 *of the principal regulations*

**2.** In paragraph (3) of regulation 12 of the principal regulations (which paragraph makes provision as to the proceedings of a medical appeal tribunal in the absence of a claimant or beneficiary to whom notice of the hearing has been duly given) for the words "this paragraph" there shall be substituted the words "the last foregoing paragraph".

*Amendment of regulation* 13*F of the principal regulations*

**3.** In paragraph (1) of regulation 13F of the principal regulations, as amended(d) (which regulation provides for the hearing and determination of applications for leave to appeal, appeals and references from medical appeal tribunals) for the words "under this Part of these regulations" where they secondly occur, there shall be substituted the words "to which this regulation applies".

*Amendment of regulation* 13*H of the principal regulations*

**4.**—(1) Paragraph (1) of regulation 13H of the principal regulations, as amended(d) (which regulation makes provision as to the procedure of a medical appeal tribunal on receipt of the Commissioner's decision) shall be amended in accordance with the next following paragraph and shall accordingly have effect as set out in the Schedule to these regulations.

(a) 9 & 10 Geo. 6. c. 62. (b) 7 & 8 Eliz. 2. c. 18.
(c) S.I. 1948/1299 (Rev. XVI, p. 524: 1948 I, p. 2971).
(d) The relevant amending instrument is S.I. 1959/1596 (1959 II, p. 1938).

(2) In the said paragraph (1), after the words "the medical appeal tribunal shall hold a hearing, and" there shall be inserted the words "subject to the following provisions of this regulation" and at the end of the said paragraph (1) there shall be added the following proviso:—

"Provided that the provisions of this paragraph shall not apply in relation to the confirming by a medical appeal tribunal of a decision which the Commissioner has held not to be erroneous in point of law."

*Richard Wood,*
Minister of Pensions and
National Insurance.

4th February 1964.

## SCHEDULE

**Regulation 4**

REGULATION 13H(1) OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

(1) For the purposes of giving, confirming or revising their decision on the case in accordance with subsection (4) of section 2 of the Family Allowances and National Insurance Act 1959, the medical appeal tribunal shall hold a hearing, and, *subject to the following provisions of this regulation,* those provisions of Part II and Part IV of these regulations which relate to the hearing of appeals by, the procedure of, and the right of audience and representation before, medical appeal tribunals, shall apply to the hearing as if it were the original hearing of an appeal subject to the modification that the association shall have the same rights thereunder as the claimant:

*Provided that the provisions of this paragraph shall not apply in relation to the confirming by a medical appeal tribunal of a decision which the Commissioner has held not to be erroneous in point of law.*

## EXPLANATORY NOTE

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

These Regulations amend the provisions, added to the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1948 by the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment (No. 2) Regulations 1959, governing the procedure of a medical appeal tribunal from whose decision an appeal on a point of law has been made to the Industrial Injuries Commissioner by providing that such a tribunal shall not be required to hold a further hearing for the purpose of confirming a decision which the Commissioner has held not to be erroneous on a point of law. Other amendments are of a minor nature.

*The words inserted and added by these regulations are shown in italics.