STATUTORY INSTRUMENTS

1967 No. 1169

SOCIAL SECURITY

The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1967

Made - - -	*25th July* 1967
Laid before Parliament	*8th August* 1967
Coming into Operation	*9th August* 1967

The Minister of Social Security, in exercise of the powers conferred by sections 38(3), 39, 40(4), 41, 42, 50 and 54 of the National Insurance (Industrial Injuries) Act 1965(a), and section 75(2) of the National Insurance Act 1965(b), as amended by sections 8 and 9 of the National Insurance Act 1966(c), and of all other powers enabling her in that behalf and for the purpose only of consolidating the regulations hereby revoked, hereby makes the following regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1967 and shall come into operation on 9th August 1967.

(2) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance (Industrial Injuries) Act 1965;

" the Minister " means the Minister of Social Security;

" adjudicating authority " means a medical appeal tribunal or the Commissioner;

" applicant " in Part II of these regulations means any person who has made an application to the Minister for the determination of a question to which Part II of those regulations relates;

" the association " means an association of employed persons of which the claimant was a member at the time of the relevant accident, being an association at the instance of which an application for leave to appeal is made or an appeal brought under Part IV of these regulations;

" the Commissioner " means the Chief National Insurance Commissioner appointed under section 9 of the National Insurance Act 1966 and any other National Insurance Commissioner so appointed or any tribunal constituted under subsection (3) of that section;

" hearing " means an oral hearing;

" inquiry " means an oral inquiry;

" insurance officer " means an officer appointed in accordance with section 68(1) of the National Insurance Act 1965;

(a) 1965 c. 52. (b) 1965 c. 51.
(c) 1966 c. 6.

" a local office " means any office appointed by the Minister as a local office for the purposes of the Act or of these regulations;

" member " in relation to a medical appeal tribunal includes the chairman thereof;

" the National Insurance Regulations " means the National Insurance (Determination of Claims and Questions) Regulations 1967(a);

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended, extended or modified by or under any subsequent enactment, order or regulations.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last-known address.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(b) shall apply in relation to this instrument and in relation to the revocations effected by it as if this instrument and the regulations revoked by it were Acts of Parliament, and as if each revocation were a repeal.

PART II

Determination by the Minister of certain Special Questions to which Section 35(1) of the Act applies

Application for the Minister's decision and procedure thereon

2.—(1) Any person desiring to obtain the decision of the Minister on any of the questions mentioned in sub-paragraphs (*a*) to (*e*) of section 35(1) of the Act shall deliver or send to the Minister an application for that purpose in writing in a form approved by him and shall furnish such particulars as the Minister may require for the purpose of the consideration and determination of any such question.

(2) The Minister shall take steps to bring any such application and any such particulars to the notice of any person appearing to him to be interested therein and to obtain from such person such particulars within such time and in such form as he considers reasonably necessary for the purpose of the determination of the question.

(3) The Minister may, if he thinks fit, before determining the question, appoint a person to hold an inquiry into the question or any matters arising in connection therewith and to report to him thereon, and any person so appointed may by summons require persons to attend at any such inquiry to give evidence or to produce documents reasonably required for the purpose of the inquiry and may take evidence on oath and for that purpose administer oaths.

(4) Reasonable notice of the date and place of the holding of such inquiry shall be given to the applicant and any persons notified of the application in accordance with paragraph (2) of this regulation and the procedure at an inquiry shall, subject to this regulation, be such as the person appointed to hold the inquiry shall determine.

(5) Subject to paragraph (6) of this regulation the applicant and any other person appearing to the Minister or the person holding the inquiry to be interested in the question which has arisen shall have the right to be heard at the inquiry.

(a) S.I. 1967/1168 (1967 II, p. 3423). (b) 1889 c. 63.

(6) Any person who by virtue of the preceding paragraph of this regulation has the right to be heard at any inquiry may, and in the case of a body of persons corporate or unincorporate shall, be represented by some person duly authorised and for the purposes of the proceedings at such inquiry any such representative shall have all the rights and powers to which the person whom he represents is entitled under these regulations.

(7) The Minister shall give notice in writing of his decision to the applicant and to any persons appearing to him to be interested therein and may publish his decision in such manner as he thinks fit, and the applicant and any such person as aforesaid shall, on request, be furnished with such a statement of the grounds of the decision as will enable him to determine whether any question of law (not being a question which has been referred to the High Court or to the Court of Session in accordance with section 35(3) of the Act) has arisen upon which he may wish to appeal.

Review or reference

3. The provisions of these regulations shall apply with the necessary modifications to any case in which—

(*a*) a question has been raised with a view to the review of any decision of the Minister given in accordance with this Part of these regulations; or

(*b*) a question such as is mentioned in regulation 2(1) of these regulations is referred to the Minister—

(i) under section 70(2) of the Act (reference of such questions for decision by the Minister where the decision thereof is necessary for the determination of any proceedings by a court); or

(ii) under section 71 of the National Insurance Act 1965 as modified by the National Insurance Act 1966 (reference by an insurance officer of any such question for determination where such question arises on the consideration of any claim or question).

Notice of reference of question of law

4. In the event of the Minister determining in accordance with section 35(3) of the Act to refer any question of law to the High Court, or in Scotland to the Court of Session, he shall send notice in writing of his intention so to do to the applicant and to any other person appearing to him to be interested therein.

PART III

Determination of Disablement Questions

Constitution of medical boards

5.—(1) A medical board constituted in accordance with section 38 of the Act shall, except as hereafter provided in this regulation, consist of two members.

(2) A medical practitioner shall not act as a member of a medical board for the purpose of the consideration of any case referred to the board if he—

(*a*) is or may be directly affected by that case; or

(*b*) has taken any part in such case as a medical assessor or as a medical

practitioner who has regularly attended the claimant (a) or to whom any question has been referred for examination and report or as an employer or as a witness.

(3) A medical board shall not determine any questions referred to them if—

(*a*) any member thereof is unable to be present at the consideration of any such question; or

(*b*) the medical board, being a board consisting of two members, are unable to reach a unanimous decision on any such question.

(4) In any case in which, by reason of the foregoing provisions of this regulation, a medical board are unable to determine any question which has been referred to them, the reference to that board shall be revoked and the questions arising in that case shall forthwith be referred to another medical board:

Provided that, in a case to which sub-paragraph (*b*) of the preceding paragraph relates, the reference shall be to a medical board consisting of three members, whose decision, if not unanimous, shall be that of the majority of such members.

Reference to single medical practitioner instead of to medical board

6.—(1) For the purposes of the provisions of section 41 of the Act (reference of disablement questions to a single medical practitioner) and notwithstanding anything in the foregoing provisions of these regulations, the disablement questions arising in any case may, with the consent of the claimant, be referred to a single medical practitioner appointed by the Minister instead of to a medical board.

(2) The provisions of the next two following regulations shall apply to the proceedings on a reference to a single medical practitioner in accordance with the preceding paragraph, as if such practitioner were a medical board constituted in accordance with the Act or the chairman of such a board, as the case may be.

(3) If a medical practitioner to whom any questions have been referred in accordance with paragraph (1) of this regulation is of the opinion that a final assessment can be made but that the period which should be taken into account by such assessment would exceed six months, he shall, instead of himself determining such questions, make a report in writing stating his opinion and the grounds therefor, and thereupon the reference to the single medical practitioner shall be revoked and the disablement questions arising in the case shall be referred to a medical board constituted under the Act, to whom a copy of such report shall be made available.

Notice of sitting and procedure of medical boards

7.—(1) Reasonable notice of the time and place at which a medical board will sit for the consideration of any case shall be given to the claimant and if, after such notice has been given, the claimant should fail to appear at the sitting of the board, the board shall not proceed to determine the questions referred to them without his consent.

(2) No person shall be entitled to be present and be heard during the con-

(a) See s.86 (1), National Insurance (Industrial Injuries) Act 1965.

sideration of any question by a medical board other than the claimant and any other person whom the medical board may, with the consent of the claimant, allow to be present as being a person, who in their opinion, is likely to assist them in the determination of that question.

Notice of decision of medical board

8.—(1) A medical board shall in each case record their decision in writing in such form as may from time to time be approved by the Minister and shall include in such record (which shall be signed by all the members of the board)—

(*a*) a statement of their findings on all questions of fact material to such decision; and

(*b*) in a case in which the decision of a medical board consisting of three persons was not unanimous, a statement that one of the members dissented and of the reasons given by him for so dissenting.

(2) As soon as may be practicable, the claimant shall be sent written notice of the decision of a medical board, and such notice shall be in such form as may from time to time be approved by the Minister and shall contain a summary of the said findings of the board, including, where the decision was not unanimous, a statement that one of the members dissented and of the reasons given by him for so dissenting.

Constitution of medical appeal tribunals

9.—(1) A person shall not act as a member of a medical appeal tribunal constituted under section 38 of the Act, for the purpose of the consideration of any case referred to them if he—

(*a*) is or may be directly affected by that case; or

(*b*) has taken any part in such case as a medical assessor or as a medical practitioner who has regularly attended the claimant or who has acted as a member of a medical board or to whom any question has been referred for examination and report or as an employer or as a witness.

(2) A tribunal constituted as aforesaid shall not proceed to determine any case referred to them if any member thereof is unable to be present at the consideration of that case and where, by reason of this paragraph, such tribunal are unable to determine any case referred to them, the reference to that tribunal shall be revoked and the case shall forthwith be referred to another tribunal constituted as aforesaid.

Notice of appeal and notification by the Minister

10.—(1) An appeal by a claimant against a decision of a medical board shall be brought by giving notice of appeal at a local office within three months after notice of that decision has been given in accordance with regulation 8 of these regulations or within such further period as the chairman of a medical appeal tribunal may for good reason allow.

(2) A notice of appeal shall be in writing and shall contain a statement of the grounds upon which the appeal is made.

(3) For the purpose of securing the reference of a case to a medical appeal tribunal in accordance with section 39(3) of the Act where the Minister is of the opinion that a decision of a medical board ought to be considered by a medical appeal tribunal, the Minister may notify the insurance officer of his opinion in that respect within three months after the date of that decision or such longer period as the chairman of a medical appeal tribunal may for good reason allow.

Hearing of appeals by, and procedure of, medical appeal tribunals

11.—(1) For the purpose of determining any case referred to them, a medical appeal tribunal shall hold a hearing which shall be in public except in so far as the chairman of the tribunal may for special reasons otherwise direct.

(2) Reasonable notice of the time and place at which a medical appeal tribunal will hear a case shall be given to the claimant and to the Minister, and, except with the consent of the claimant, the tribunal shall not proceed with the hearing unless such notice has been given.

(3) If a claimant, to whom notice of hearing has been duly given in accordance with the last foregoing paragraph, should fail to appear at the hearing, the medical appeal tribunal may proceed to determine the case notwithstanding his absence, or may give such directions with a view to the determination of the case as they may think proper having regard to all the circumstances including any explanation offered for the absence:

Provided that, if a reasonable explanation for his absence has been given by him or on his behalf, the tribunal shall not, without his consent, determine the case in his absence, unless the hearing has first been adjourned for at least one month and reasonable notice of the time and place of the adjourned hearing has been given to him.

(4) Where a medical appeal tribunal are unable to reach a unanimous decision on any case referred to them, the decision of the majority of the members thereof shall be the decision of the tribunal.

(5) Where in any case there is before a medical appeal 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.

(6) The Minister and the claimant shall have the right to be heard at a hearing by a medical appeal tribunal and may be represented by some person duly authorised and for the purposes of the proceedings at such a hearing any such representative shall have all the rights and powers to which the person whom he represents is entitled under these regulations.

(7) Any person who exercises the right conferred by this regulation to be heard at a hearing by a medical appeal tribunal may call witnesses and shall be given an opportunity of putting questions directly to any witnesses called at the hearing.

Record and notice of decision of medical appeal tribunal

12.—(1) A medical appeal tribunal shall in each case record their decision in

writing in such form as may from time to time be approved by the Minister, and shall include in such record, which shall be signed by all the members of the tribunal, a statement of the reasons for their decision, including their findings on all questions of fact material to the decision.

(2) As soon as may be practicable the claimant shall be sent written notice of the decision of a medical appeal tribunal, and such notice shall be in such form as may from time to time be approved by the Minister and shall contain a summary of the record of that decision made in accordance with the foregoing paragraph.

PART IV

Appeal or Reference to the Commissioner on a Point of Law from a Medical Appeal Tribunal

Further provision as to notice of decision of medical appeal tribunal

13. A person to whom written notice of a decision of a medical appeal tribunal is sent in accordance with the provisions of regulation 12(2) of these regulations shall be informed in writing of the conditions governing an appeal to the Commissioner, and there shall be supplied to him, or, where he is represented by another person, to that person, a copy of the record of that decision made in accordance with the provisions of regulation 12(1) of these regulations if, for the purposes of an appeal, he or that other person makes a request therefor in writing at a local office.

Application for leave to appeal to the Commissioner from decision of medical appeal tribunal

14.—(1) Subject to the following provisions of this regulation, an application for leave to appeal to the Commissioner from a decision of a medical appeal tribunal on the ground that the decision is erroneous in point of law shall be made in the first instance to a medical appeal tribunal—

(*a*) orally at the hearing by the tribunal of the appeal from, or reference of, the decision of the medical board, or

(*b*) in writing within three months from the date on which the decision of the tribunal was given.

(2) A person who has been refused leave to appeal by a medical appeal tribunal may make an application in writing for such leave to the Commissioner within twenty-one days from the date on which the decision refusing leave was given, or within such further time as the Commissioner may for special reasons allow.

(3) Where there has been a failure to apply to a medical appeal tribunal for leave to appeal within the time specified in paragraph (1)(*b*) hereof, an application in writing for such leave may nevertheless be made to the Commissioner, who may, if for special reasons he thinks fit, proceed, notwithstanding such failure, to consider and determine the application.

(4) Every application for leave to appeal required by these regulations to be in writing shall be made by giving or sending the application to a local office for transmission to the medical appeal tribunal or the Commissioner as the case may be, and such application shall include a statement of the point of law in respect of which it is alleged that the decision of the tribunal is erroneous and on which it is wished to appeal.

(5) Where an application for leave to appeal is made to the Commissioner the Minister shall cause to be sent to the Commissioner a copy of the record, made in accordance with regulation 12(1) of these regulations, of the decision of the medical appeal tribunal and, if leave to appeal has been refused by the tribunal, a copy of the record of the decision refusing such leave.

(6) Where an application in writing for leave to appeal is made by the Minister, a copy of the application shall be sent to the claimant.

Appeal against decision of medical appeal tribunal

15.—(1) Subject to the provisions of regulation 17(7) of these regulations, an appeal against the decision of a medical appeal tribunal shall be brought by giving notice thereof in writing at a local office within three months from the date on which the decision giving leave to appeal was given, or within such further time as the Commissioner may for special reasons allow, and such notice shall include a statement of the point of law in respect of which it is alleged that the decision is erroneous and on which it is wished to appeal.

(2) A copy of the notice of appeal shall be sent to the chairman of the medical appeal tribunal and, in the case of an appeal by the Minister, to the claimant, and the Minister shall, as soon as may be practicable, cause to be sent to the Commissioner—

(*a*) a copy of the record, made in accordance with regulation 12(1) of these regulations, of the decision under appeal; and

(*b*) the notice of appeal; and

(*c*) where the application for leave to appeal was made to the tribunal, a copy of the record of the decision of the tribunal on that application.

Reference by medical appeal tribunal of a question of law for decision by the Commissioner

16. Where any question of law arises in a case before a medical appeal tribunal and the tribunal decide to refer that question to the Commissioner for his decision in accordance with section 42(3) of the Act, the tribunal shall cause to be sent—

(*a*) to the Commissioner, a submission in writing signed by the chairman of the tribunal, which shall include a statement of the said question and the facts on which it arises; and

(*b*) to the Minister and the claimant, a copy of the said submission.

Provisions as to the hearing and determination of applications for leave to appeal and of appeals and references

17.—(1) If the Minister, the claimant or the association as the case may be makes a request to an adjudicating authority for a hearing of an application for leave to appeal, appeal or reference under this Part of these regulations such request shall be granted:

Provided that in the case of an application in writing for leave to appeal made to the medical appeal tribunal, if, after considering the documents in the case and the reasons put forward in such request, the tribunal are satisfied that the application can properly be determined without a hearing, the person who made the request shall be informed in writing and the application shall be so determined.

(2) If, in accordance with the provision of the last foregoing paragraph, a request for a hearing has been granted or, if notwithstanding that no request has been made, the adjudicating authority is otherwise satisfied that a hearing

is desirable, reasonable notice of the time and place of the hearing shall be given to the Minister and the claimant or the association, and every such hearing shall be in public except in so far as the adjudicating authority for special reasons may otherwise direct.

(3) The Minister and the claimant or the association shall have the right to be present and to be heard at such a hearing by an adjudicating authority and may be represented by counsel or solicitor or any other person.

(4) If any person to whom notice of hearing has been duly given in accordance with paragraph (2) of this regulation should fail to appear either in person or by representative at the hearing, the adjudicating authority may proceed to determine the application, appeal or reference notwithstanding the absence of such person, or may give such directions as are thought proper with a view to the determination of the application, appeal or reference.

(5) Where a medical appeal tribunal are unable to reach a unanimous decision on an application for leave to appeal, the decision of the majority of the members thereof shall be the decision of the tribunal.

(6) The decision of a medical appeal tribunal on an application for leave to appeal shall be recorded in writing, and there shall be included in such record, which shall be signed by all the members thereof, a statement of the reasons for such decision, and a copy of the record shall be sent as soon as may be practicable to the Minister and to the claimant or the association.

(7) Where the Commissioner, at the hearing of an application made to him in accordance with the provisions of regulation 14 of these regulations, gives leave to appeal, he may, with the consent of the Minister and the claimant or the association, forthwith hear and decide the question of law arising on the appeal.

(8) The Commissioner may either before, or at any time during, the hearing of an appeal or reference, require the medical appeal tribunal to submit such further statement of the facts on which the question of law submitted for his decision arises as he considers necessary for the proper determination of that question.

(9) The decision of the Commissioner on an application for leave to appeal shall be recorded in writing and signed by him, and a copy thereof shall be sent as soon as may be practicable to the chairman of the medical appeal tribunal and to the Minister and to the claimant or the association.

(10) The decision of the Commissioner on the question of law raised by any appeal or reference shall be in writing and signed by him, and as soon as may be practicable a signed copy thereof shall be sent to the chairman of the medical appeal tribunal and copies thereof shall be sent to the Minister and to the claimant or the association.

Procedure of medical appeal tribunal on receipt of the Commissioner's decision

18.—(1) For the purposes of giving, confirming or revising their decision on the case in accordance with section 42(4) of the Act, a medical appeal tribunal shall hold a hearing, and subject to the following provisions of this regulation, those provisions of Parts III and V 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.

(2) For the purposes of confirming or revising their decision on the case, a medical appeal tribunal, whether or not consisting of the members who constituted the tribunal when that decision was given in the first place, shall proceed upon the facts included in the record of the decision so given:

Provided that if, having regard to the decision of the Commissioner on the question of law, the finding of additional facts is necessary for the purposes aforesaid, the tribunal may receive further evidence and find such facts.

(3) When after receipt of the decision of the Commissioner on a point of law a medical appeal tribunal give, confirm or revise their decision on the case, such decision shall be recorded and notified in accordance with the provisions of regulation 12 of these regulations.

PART V

MISCELLANEOUS

Miscellaneous powers of the Minister and insurance tribunal

19.—(1) Subject to the provisions of the Act and these regulations, the procedure on the determination of any question by the Minister or an insurance tribunal(a) shall be such as the Minister or the insurance tribunal, as the case may be, shall determine.

(2) Except in proceedings on applications for leave to appeal, appeal or reference under Part IV of these regulations, the Minister or an insurance tribunal, as the case may be, may refer to a medical practitioner for examination and report any question arising for his or their determination.

(3) For the purpose of arriving at their decision or discussing any question of procedure at any sitting or hearing, a medical board or a medical appeal tribunal, as the case may be, shall, notwithstanding anything in these regulations, order all persons, not being members of or the person acting as clerk to the board or such tribunal, to withdraw from such sitting or hearing:

Provided that if the members of a medical appeal tribunal agree they may, if no person having the right to be heard objects, permit a member or members of the Council on Tribunals, or of the Scottish Committee of the Council, present only in that capacity, to remain present at any hearing by the tribunal even though by virtue of this paragraph other persons are ordered to withdraw.

(4) Any power given by these regulations to extend the period during which anything is required to be done under these regulations or to dispense with any of the requirements thereof may be exercised in any case, notwithstanding that the period during which the thing is required to be done has expired.

Period to be taken into account by assessments revised on grounds of unforeseen aggravation

20. On a review of any assessment under section 40(2) of the Act (review on grounds of unforeseen aggravation) the period to be taken into account by any revised assessment may include any period not exceeding three months before

(a) See S.50(6) National Insurance (Industrial Injuries) Act 1965, as amended by the National Insurance Act 1966.

the date of the application for the review if the medical board are satisfied that throughout that period there has been unforeseen aggravation of the results of the relevant injury since the making of the assessment under review.

Determination of claims and questions other than special questions

21. Where by virtue of section 8 of and Schedule 2 to, the National Insurance Act 1966, the provisions of the National Insurance Regulations specified in column 1 of Schedule 1 to these regulations fall to be applied to the determination of claims and questions under the Act they shall so apply as if in any of those provisions there were made the modifications specified in column 3 of that Schedule.

Application for review involving review of decision of medical appeal tribunal

22. Where, in the opinion of the insurance officer, an application made under the provisions of section 72(2) of the National Insurance Act 1965 raises a question as to the review of a decision of a medical appeal tribunal and, by virtue of section 40(4) of the Act such a decision may not be reviewed without the leave of a medical appeal tribunal, the insurance officer shall submit the application to a medical appeal tribunal so that such tribunal may consider whether such leave shall be granted and shall not refer the question to a medical board with a view to a review of that decision unless that medical appeal tribunal grant such leave.

Adjustment of benefits

23.—(1) Subject to the provisions of paragraph (4) of this regulation, any sum on account of benefit which has been paid to any person in pursuance of a decision which is afterwards revised on a review or reversed or varied on an appeal shall be treated as paid on account of any benefit which it is decided is or was payable to him in respect of the same accident or disease and, except as is provided in paragraph (3) of this regulation, in respect of the same period (hereinafter referred to as " the common period ").

(2) For the purposes of paragraph (1) of this regulation—

(*a*) a gratuity under section 12 of the Act shall be treated as a periodical payment payable in respect of the period (hereinafter referred to as " the gratuity period ") taken into account by the relevant assessment of the degree of disablement (that period, where it is more than seven years or is not limited by reference to a definite date, being deemed to be one of seven years); and

(i) to the extent to which a gratuity falls to be treated as paid on account of a pension or allowance (or a pension or allowance falls to be treated as paid on account of a gratuity), the gratuity shall be treated as payable at a weekly rate calculated by dividing by 364 an amount equal to the amount of the gratuity payable for a period limited by reference to the beneficiary's life in respect of the said assessment of the degree of disablement, fractions of a penny being disregarded; and

(ii) to the extent to which a gratuity falls to be treated as paid on account of another gratuity, so much of the first mentioned gratuity shall be so treated as bears the same ratio to its total amount as does the common period to the gratuity period, fractions of a shilling being disregarded.

(*b*) a gratuity under section 22 or 23 of, or the Fifth Schedule to, the Act, shall be treated as a periodical payment payable in respect of the period

of two years from the date of the deceased's death and at a weekly rate calculated by dividing the amount of the gratuity by 104.

(3) Where on a review a decision awarding a woman a gratuity under section 19 of the Act as on the termination of her widow's pension is reversed, any sum paid on account of that gratuity shall be treated as having been paid on account of any further benefit awarded to her under that section in respect of the same death.

(4) The foregoing provisions of this regulation shall not operate—

(*a*) so as to make a pension or allowance (other than arrears thereof) payable at less than half the appropriate weekly rate unless the person or tribunal awarding the pension or allowance is not satisfied that the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment of the benefit which is to be treated as paid on account of such pension or allowance;

(*b*) so as to require any sum paid on account of benefit to be treated as paid on account of other benefit to the extent to which that sum exceeds the amount which is payable or treated as payable in respect of the common period, of the other benefit.

Revocation

24.—(1) The regulations specified in column 1 of Schedule 2 of these regulations are hereby revoked to the extent mentioned in column 3 of that Schedule.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(3) So much of any document as refers expressly or by implication to any regulation revoked by these regulations shall, if and so far as the context permits, be construed as referring to the corresponding provision of these regulations.

(4) Nothing in paragraphs (2) and (3) of this regulation shall be taken as affecting the general application by regulation 1(5) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeal) with regard to the effect of revocations.

Margaret Herbison,
Minister of Social Security.

25th July 1967.

SCHEDULE 1 Regulation 21

PROVISIONS OF THE NATIONAL INSURANCE REGULATIONS MODIFIED IN APPLICATION TO CLAIMS AND QUESTIONS UNDER THE ACT

Provision of the National Insurance Regulations	Subject matter	Modification
Regulation 1	Citation, commencement and interpretation	In paragraph (2) at the end of the definitions of "claimant" there shall be inserted the words "and in relation to claims and questions under the Industrial Injuries Act, the same as defined in section 86(1) of the Industrial Injuries Act;".
Regulation 8	Time and place of hearing before local tribunals	At the end of the regulation, there shall be inserted the following:— "(3) In this Part of these regulations a person shall be deemed to be interested if he is a person whose right to benefit is or may be under Schedule 5 to the Industrial Injuries Act affected by the decision appealed against."
Regulation 9	Hearings before local tribunal	In paragraph (2), after the words "(*c*) the Minister" there shall be inserted the words "(*d*) any interested person".
Regulation 10	Decisions of local tribunals	In paragraph (3), for the words "adverse to the claimant", there shall be substituted the words "in whole or in part adverse to the claimant or such other person".
Regulation 11	Procedure before Commissioner	At the beginning of paragraph (4) there shall be inserted the words "The Minister,".

Regulation 24(1)

SCHEDULE 2

REGULATIONS REVOKED

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1948.	S.I. 1948/1299 (Rev. XVI, p. 524: 1948 I, p. 2971).	The whole regulations.
The National Insurance (Industrial Injuries) (Transitional Provisions and Consequential Amendments) Regulations 1953.	S.I. 1953/1227 (1953 I, p. 1419).	Regulation 5 so far as unrevoked and the entries in the Schedule under the heading "The Determination of Claims and Questions Regulations".
The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1954.	S.I. 1954/352 (1954 I, p. 1433).	The whole regulations.
The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1958.	S.I. 1958/702 (1958 II, p. 1671).	The whole regulations.
The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1959.	S.I. 1959/1156 (1959 II, p. 1936).	The whole regulations.
The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment (No. 2) Regulations 1959.	S.I. 1959/1596 (1959 II, p. 1938).	The whole regulations.
The Family Allowance, National Insurance and Industrial Injuries (Consequential) Regulations 1962.	S.I. 1962/326 (1962 I, p. 300).	Regulation 10.
The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1964.	S.I. 1964/147 (1964 I, p. 272).	The whole regulations.

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1966.	S.I. 1966/1005 (1966 II, p. 2401).	The whole regulations.
The National Insurance (Determination of Claims and Questions) Amendment Regulations 1966.	S.I. 1966/1004 (1966 II, p. 2396).	Regulations 5 and 6 and Schedule.
The National Insurance (Industrial Injuries) (Determination of Claims and Questions) Amendment Regulations 1967.	S.I. 1967/153 (1967 I, p. 251).	The whole regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations which consolidate the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1948 with subsequent amending and related Regulations prescribe the procedure to be followed on the consideration and determination of disablement questions and questions reserved for decision by the Minister (defined as special questions) under the National Insurance (Industrial Injuries) Act 1965. Regulation 21 and Schedule 1 modify the National Insurance (Determination of Claims and Questions) Regulations 1967 in their application to claims and questions (other than special questions) under the National Insurance (Industrial Injuries) Act 1965. Regulation 22 deals with the functions of the insurance officer on an application for review of a decision which raises the question as to the review of a decision by a medical appeal tribunal. Regulation 23 relates to the extent to which payments of one kind of benefit previously awarded may be treated as made on account of another kind of benefit awarded in lieu thereof by a decision on review or appeal.

These Regulations are made for the purpose only of consolidation and accordingly, because of section 62(3)(*b*) of the National Insurance (Industrial Injuries) Act 1965, have not been referred to the Industrial Injuries Advisory Council.