STATUTORY INSTRUMENTS

1967 No. 153

SOCIAL SECURITY

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

Made - - - -	10*th February* 1967
Laid before Parliament	16*th February* 1967
Coming into Operation	20*th February* 1967

The Minister of Social Security, in exercise of the powers conferred by section 50(2) of the National Insurance (Industrial Injuries) Act 1965(**a**) and of all other powers enabling her 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 1967, shall be read as one with the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1948(**b**), as amended(**c**), (hereinafter referred to as "the principal regulations") and shall come into operation on 20th February 1967.

Amendment of regulation 12 *of the principal regulations*

2. For regulation 12(3) of the principal regulations (hearings by medical appeal tribunals in absence of claimant) the following paragraph shall be substituted:—

"(3) If a claimant or beneficiary, to whom notice of hearing has been duly given in accordance with the last foregoing paragraph, should fail to appear at the hearing the 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.".

Amendment of regulation 26 *of the principal regulations*

3. At the end of regulation 26(2) of the principal regulations there shall be added the words:—

"Provided that if the chairman and both 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

(**a**) 1965 c. 52. (**b**) S.I. 1948/1299 (Rev. XVI, p. 524: 1948 I, p. 2971).
(**c**) The relevant amending instruments are S.I. 1964/147, 1966/1005 (1964 I, p. 272; 1966 II, p. 2401).

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.".

Margaret Herbison,
Minister of Social Security.

10th February 1967.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations 1948, so as to make further provision for hearings by medical appeal tribunals in the absence of a claimant or beneficiary to whom notice of the hearing has been given (regulation 2) and to permit members of the Council on Tribunals, or of the Scottish Committee of the Council, to remain present at any proceedings of a medical appeal tribunal (if the chairman and members so agree) even though other persons must be ordered to withdraw.