STATUTORY INSTRUMENTS

1967 No. 154

SOCIAL SECURITY

The National Insurance (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 powers conferred by sections 73 and 75 of the National Insurance Act 1965(**a**), as amended by the National Insurance Act 1966(**b**), and of all other powers enabling her in that behalf, after consultation with the Council on Tribunals, 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 1967, shall be read as one with the National Insurance (Determination of Claims and Questions) Regulations 1948(**c**) as amended(**d**) (hereinafter referred to as "the principal regulations") and shall come into operation on 20th February 1967.

Amendment of regulation 13 *of the principal regulations*

2. At the end of regulation 13(5) of the principal regulations (hearings before local tribunals) there shall be added the words:—

"Provided that if the chairman and the members of a local tribunal all 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 sitting of the tribunal even though by virtue of this paragraph other persons are ordered to withdraw."

Amendment of regulation 12 *of the principal regulations*

3. In regulation 12 of the principal regulations which relates to the time and place of hearings before local tribunals, the following paragraph shall be substituted for paragraph (2):—

"If a claimant or other person to whom notice of hearing has been duly given in accordance with these regulations 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,

(**a**) 1965 c. 51. (**b**) 1966 c. 6. (**c**) S.I. 1948/1144 (Rev. XVI, p. 331: 1948 I, p. 2720)
(**d**) S.I. 1957/1340, 1958/701, 1966/1004 (1957 I, p. 1520; 1958 II, p. 1573; 1966 II, p. 2396).

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."

Margaret Herbison,
Minister of Social Security.

10th February 1967.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Regulation 2 of these regulations amends the National Insurance (Determination of Claims and Questions) Regulations 1948 ("the principal regulations") so as to permit members of the Council on Tribunals, or of the Scottish Committee of the Council, to remain present at any sitting of a local tribunal the chairman and members of which so agree even though other persons have been ordered to withdraw. Regulation 3 amends regulation 12 of the principal regulations to make further provision for hearings before local tribunals in the absence of a claimant or other person to whom notice of the hearing has been given.

The preliminary draft of these regulations was submitted to the National Insurance Advisory Committee in accordance with section 108 of the National Insurance Act 1965, and their report thereon, dated the 21st November 1966, is contained in House of Commons Paper No. 343 (Session 1966-67) published by Her Majesty's Stationery Office.