
STATUTORY INSTRUMENTS

1997 No. 1183

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997

Reviews and appeals

Reference of questions to medical appeal tribunal

14.—(1) The Department shall refer to a medical appeal tribunal any question mentioned in paragraph (2) arising for determination on an appeal under Article 13.

(2) The questions are any concerning—

- (a) any amount, rate or period specified in the certificate of recoverable benefits, or
- (b) whether listed benefits which have been, or are likely to be, paid otherwise than in respect of the accident, injury or disease in question have been brought into account.

(3) In determining any question referred to it under paragraph (1), the tribunal shall take into account any decision of a court relating to the same, or any similar, issue arising in connection with the accident, injury or disease in question.

(4) On a reference under paragraph (1) a medical appeal tribunal may either—

- (a) confirm the amounts, rates and periods specified in the certificate of recoverable benefits, or
- (b) specify any variations which are to be made on the issue of a fresh certificate under paragraph (5).

(5) When the Department has received the decision of the tribunal on the questions referred to the tribunal under paragraph (1), the Department shall in accordance with that decision either—

- (a) confirm the certificate against which the appeal was brought, or
- (b) issue a fresh certificate.

(6) Regulations may make provision—

- (a) as to the manner in which, and the time within which, a reference under paragraph (1) is to be made, and
- (b) as to the procedure to be followed where such a reference is made.

(7) Regulations under paragraph (6)(b) may (among other things) provide for the non-disclosure of medical advice or medical evidence given or submitted following a reference under paragraph (1).

(8) In this Article “medical appeal tribunal” means a medical appeal tribunal constituted under section 48 of the Administration Act.