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STATUTORY RULES OF NORTHERN IRELAND

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**1995 No. 293**

**The Social Security (Adjudication)  
Regulations (Northern Ireland) 1995**

**PART III**

**ADJUDICATING AUTHORITIES**

SECTION C —

*APPEAL TRIBUNALS*

**Oral hearing of appeals and references**

**22.**—(1) An appeal tribunal shall, except where section 27(a) of the Administration Act applies, hold an oral hearing of any appeal or reference made to it.

(2) Any case may with the consent of the claimant or his representative, but not otherwise, be proceeded with in the absence of any one member other than the chairman.

(3) Where an oral hearing is adjourned and at the hearing after the adjournment the tribunal is differently constituted, otherwise than through the operation on that occasion of paragraph (2), the proceedings at that hearing shall be by way of a complete rehearing of the case.

(4) Regulation 21 (reference of a special question in child benefit cases) applies to an appeal tribunal as it applies to an adjudication officer, except that a tribunal shall, instead of referring a question in accordance with paragraph (3)(a) of that regulation, direct it to be so referred by an adjudication officer.

**Decisions of appeal tribunals**

**23.**—(1) The decision of the majority of the appeal tribunal shall be the decision of the tribunal but, where the tribunal consists of an even number, the chairman shall have a second or casting vote.

(2) The chairman of an appeal tribunal shall—

- (a) record the decision of the tribunal in writing (whether on an appeal or on a reference from an adjudication officer);
- (b) include in such record a statement of the reasons for the decision, including findings on all questions of fact material to the decision; and
- (c) if the decision is not unanimous, record a statement that one of the members dissented and the reasons given by him for dissenting.

(3) As soon as may be practicable after a case has been decided by an appeal tribunal, a copy of the record of the decision made in accordance with this regulation shall be sent to every party to the proceedings who shall also be informed of the conditions governing appeals to a Commissioner.

**Application for leave to appeal to a Commissioner from an appeal tribunal**

**24.**—(1) Subject to paragraphs (2) to (4), an application to the chairman of an appeal tribunal for leave to appeal to a Commissioner from a decision of an appeal tribunal shall be made—

- (a) orally at the hearing after the decision is announced by the tribunal; or
- (b) in accordance with regulation 3 and Schedule 2.

(2) Where an application in writing for leave to appeal is made by an adjudication officer the clerk to the tribunal shall, as soon as may be practicable, send a copy of the application to every other party to the proceedings.

(3) The decision of the chairman on an application for leave to appeal made under paragraph (1) (a) shall be recorded in the record of the proceedings of the tribunal, and on an application under paragraph 1 (b) shall be recorded in writing and a copy shall be sent to every party to the proceedings.

(4) Where in any case it is impracticable, or it would be likely to cause undue delay for an application for leave to appeal against a decision of an appeal tribunal to be determined by the person who was the chairman of that tribunal, that application shall be determined by any other person qualified under section 39(4) of the Administration Act to act as a chairman of appeal tribunals.