



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART II

#### ADJUDICATION

##### *Adjudication in relation to industrial injuries and disablement benefit*

#### **46 Appeal etc. on question of law to Commissioner**

- (1) Subject to this section, an appeal lies to a Commissioner from any decision of a medical appeal tribunal (if given after 6th April 1987) on the ground that the decision is erroneous in point of law, at the instance of—
  - (a) an adjudication officer;
  - (b) the claimant;
  - (c) a trade union of which the claimant was a member at the time of the relevant accident or, in a case relating to severe disablement allowance, at the prescribed time; or
  - (d) the Department.
- (2) Subsection (1) above, as it applies to a trade union, applies also to any other association which exists to promote the interests and welfare of its members.
- (3) No appeal lies under subsection (1) above without the leave—
  - (a) of the person who was the chairman of the medical appeal tribunal when the decision was given or, in a prescribed case, the leave of some other chairman of a medical appeal tribunal; or
  - (b) subject to and in accordance with regulations, of a Commissioner,and regulations may make provision as to the manner in which, and the time within which, appeals are to be brought and applications made for leave to appeal.

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*Status: This is the original version (as it was originally enacted).*

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- (4) On any such appeal, the question of law arising for the decision of the Commissioner and the facts on which it arises shall be submitted for his consideration in the prescribed manner.
- (5) Where the Commissioner holds that the decision was erroneous in point of law he shall set it aside and refer the case to a medical appeal tribunal with directions for its determination.
- (6) Subject to any direction of the Commissioner, the tribunal on a reference under subsection (5) above shall consist of persons who were not members of the tribunal which gave the erroneous decision.