

## 1982 No. 39

## SOCIAL SECURITY

**The Child Benefit (Determination of Claims and Questions) Amendment Regulations 1982**

<i>Made - - - -</i>	15th January 1982
<i>Laid before Parliament</i>	25th January 1982
<i>Coming into Operation</i>	15th February 1982

The Secretary of State for Social Services, in exercise of the powers conferred by section 7 of the Child Benefit Act 1975(a) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(b), hereby makes the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Child Benefit (Determination of Claims and Questions) Amendment Regulations 1982 and shall come into operation on 15th February 1982.

(2) In these regulations “the principal regulations” means the Child Benefit (Determination of Claims and Questions) Regulations 1976(c).

*Insertion of regulation 6A in the principal regulations*

2. After regulation 6 of the principal regulations there is inserted the following regulation—

*“Withdrawal of appeals to local tribunals*

**6A.**—(1) A person who has appealed to a local tribunal in accordance with regulation 5(1) may withdraw his appeal—

- (a) by giving written notice of intention to withdraw to the tribunal before the date fixed for the hearing of the appeal, if the insurance officer gives his written consent to such withdrawal before the hearing begins, or
- (b) by request made to the chairman of the tribunal for leave to withdraw, if the chairman at a hearing of the tribunal gives leave.

(2) A notice of intention to withdraw an appeal, or a declaration made by or on behalf of the appellant of his desire to withdraw an appeal, may be treated as a request for leave within paragraph (1)(b).”

*Amendment of regulation 12 of the principal regulations*

3. At the beginning of regulation 12(2) of the principal regulations (persons to be ordered to withdraw while local tribunals consider their deci-

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(a) 1975 c.61.

(b) 1971 c.62.

(c) S.I. 1976/962, to which there are amendments not relevant to these regulations.

sions or discuss procedure), for the words "For the purposes of arriving at their decision or discussing any question of procedure, a local tribunal shall" there is substituted "For the purpose of arriving at their decision a local tribunal shall, and for the purpose of discussing any question of procedure, may".

*Amendment of regulation 13 of the principal regulations*

4.—(1) In paragraph (1) of regulation 13 of the principal regulations (time and place of hearings before local tribunals), for "the date of the notice" there is substituted "the day on which the notice is given".

(2) In paragraph (2) of that regulation, for "proceed to determine" there is substituted "proceed with".

*Amendment of regulation 14 of the principal regulations*

5. In regulation 14 of the principal regulations (hearings before local tribunals), after paragraph (3) there is inserted the following paragraph—

"(3A) 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 (3), the proceedings at that hearing shall be by way of a complete re-hearing of the case."

*Amendment of regulation 16 of the principal regulations*

6. In regulation 16(4) of the principal regulations (procedure before Commissioners on appeal from a local tribunal) for "proceed to determine" there is substituted "proceed with".

*Norman Fowler,*

Secretary of State for Social Services.

15th January 1982.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend provisions of the Child Benefit (Determination of Claims and Questions) Regulations 1976 affecting adjudication procedure on claims under the Child Benefit Act 1975.

Regulation 2 inserts regulation 6A in the principal regulations providing for withdrawal of appeals to a local tribunal. Regulation 3 converts the requirement under regulation 12(2) of the principal regulations that the tribunal shall order persons to withdraw while procedure is discussed into a power so to order. Regulations 4 and 6 provide that a local tribunal or the Commissioner may proceed with a case where a person concerned fails to attend a hearing. Regulation 5 inserts paragraph (3A) in regulation 14 of the principal regulations requiring complete re-hearing by a local tribunal of a case where, following an adjournment, the tribunal is differently constituted.



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