

---

STATUTORY INSTRUMENTS

---

**1999 No. 991**

**The Social Security and Child Support  
(Decisions and Appeals) Regulations 1999**

**PART V**

**APPEAL TRIBUNALS FOR SOCIAL SECURITY CONTRACTING  
OUT OF PENSIONS VACCINE DAMAGE AND CHILD SUPPORT**

**CHAPTER IV**

**ORAL HEARINGS**

**Procedure at oral hearings**

**49** .—<sup>[F1]</sup>(1) Subject to the following provisions of this Part, the procedure for an oral hearing shall be such as the chairman, or in the case of an appeal tribunal which has only one member, such as that member, shall determine.

(2) Except where paragraph (3) applies, not less than 14 days notice (beginning with the day on which the notice is given and ending on the day before the hearing of the appeal is to take place) of the time and place of any oral hearing of an appeal shall be given to every party to the proceedings, and if such notice has not been given to a person to whom it should have been given under the provisions of this paragraph the hearing may proceed only with the consent of that person.

(3) Any party to the proceedings may waive his right to receive not less than 14 days notice of the time and place of any oral hearing by giving notice to the clerk to the appeal tribunal.

(4) If a party to the proceedings to whom notice has been given under paragraph (2) fails to appear at the hearing the chairman, or in the case of an appeal tribunal which has only one member, that member, may, having regard to all the circumstances including any explanation offered for the absence, proceed with the hearing notwithstanding his absence, or give such directions with a view to the determination of the appeal as he may think proper.

(5) If a party to the proceedings has waived his right to be given notice under paragraph (2) the chairman, or in the case of an appeal tribunal which has only one member, that member, may proceed with the hearing notwithstanding his absence.

<sup>[F2]</sup>(6) An oral hearing shall be in public except where the chairman, or in the case of an appeal tribunal which has only one member, that member, is satisfied that it is necessary to hold the hearing, or part of the hearing, in private—

- (a) in the interests of national security, morals, public order or children;
- (b) for the protection of the private or family life of one or more parties to the proceedings; or
- (c) in special circumstances, because publicity would prejudice the interests of justice.]

<sup>[F3]</sup>(7) At an oral hearing—

- (a) any party to the proceedings shall be entitled to be present and be heard; and

- (b) the following persons may be present by means of a live television link—
- (i) a party to the proceedings or his representative or both; or
  - (ii) where an appeal tribunal consists of more than one member, a tribunal member other than the chairman,
- provided that the person who constitutes or is the chairman of the tribunal gives permission<sup>F4</sup> ... . ]

(8) A person who has the right to be heard at a hearing may be accompanied and may be represented by another person whether having professional qualifications or not and, for the purposes of the proceedings at the hearing, any such representative shall have all the rights and powers to which the person whom he represents is entitled.

(9) The following persons shall also be entitled to be present at an oral hearing (whether or not it is otherwise in private) but shall take no part in the proceedings—

- (a) the President;
- (b) any person undergoing training as a chairman or<sup>F5</sup> ... member of an appeal tribunal or as a clerk to an appeal tribunal;
- (c) any person acting on behalf of the President in the training or supervision of panel members or in the monitoring of standards of decision-making by panel members;
- (d) with the leave of the chairman, or in the case of an appeal tribunal which has only one member, with the leave of that member,<sup>F6</sup> ... any other person; and
- (e) a member of the Council on Tribunals or of the Scottish Committee of the Council on Tribunals.

[<sup>F7</sup>(10) Nothing in paragraph (9) affects the rights of—

- (a) any person mentioned in sub-paragraphs (a) and (b) of that paragraph where he is sitting as a member of a tribunal or acting as its clerk; or
- (b) the clerk to the tribunal,

and nothing in this regulation prevents the presence at an oral hearing of any witness or of any person whom the chairman, or in the case of an appeal tribunal which has only one member, that member, permits to be present in order to assist the appeal tribunal or the clerk.]

(11) Any person entitled to be heard at an oral hearing may address the tribunal, may give evidence, may call witnesses and may put questions directly to any other person called as a witness.

(12) For the purpose of arriving at its decision an appeal tribunal shall, and for the purpose of discussing any question of procedure may, notwithstanding anything contained in these Regulations, order all persons not being members of the tribunal, other than the person acting as clerk to the appeal tribunal, to withdraw from the hearing except that—

- (a) a member of the Council on Tribunals or of the Scottish Committee of the Council on Tribunals, the President or any person mentioned in paragraph (9)(c); and
- (b) with the leave of the chairman, or in the case of an appeal tribunal which has only one member, with the leave of that member, any person mentioned in paragraph (9)(b) or (d),

may remain present at any such sitting.

[<sup>F8</sup>(13) In this regulation “live television link” means a live television link or other facilities which allow a person who is not physically present at an oral hearing to see and hear proceedings and be seen and heard by those physically present.]]

**Textual Amendments**

- F1** Regs. 49-58 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F2** Reg. 49(6) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **14(a)**
- F3** Reg. 49(7) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **14(b)**
- F4** Words in reg. 49(7)(b) omitted (18.3.2005) by virtue of The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(9)**
- F5** Word in reg. 49(9)(b) omitted (20.5.2002) by virtue of Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **14(c)(i)**
- F6** Words in reg. 49(9)(d) omitted (20.5.2002) by virtue of Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **14(c)(ii)**
- F7** Reg. 49(10) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **14(d)**
- F8** Reg. 49(13) added (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **14(e)**

**Modifications etc. (not altering text)**

- C1** Reg. 49 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , **8**
- C2** Reg. 49 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , **8** (with reg. 8(4) )

**Manner of providing expert assistance**

**F1 50** . . . . .

**Textual Amendments**

- F1** Regs. 49-58 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

**Postponement and adjournment**

**51** .—<sup>F1</sup>(1) Where a person to whom notice of an oral hearing is given wishes to request a postponement of that hearing he shall do so in writing to the clerk to the appeal tribunal stating his reasons for the request, and the clerk to the appeal tribunal may grant or refuse the request as he thinks fit or may pass the request to a legally qualified panel member who may grant or refuse the request as he thinks fit.

(2) Where the clerk to the appeal tribunal or the panel member, as the case may be, refuses a request to postpone the hearing he shall—

- (a) notify in writing the person making the request of the refusal; and
- (b) place before the appeal tribunal at the hearing both the request for the postponement and notification of its refusal.

(3) A panel member or the clerk to the appeal tribunal may of his own motion at any time before the beginning of the hearing postpone the hearing.

(4) An oral hearing may be adjourned by the appeal tribunal at any time on the application of any party to the proceedings or of its own motion.

<sup>F9</sup>( 5 ) .....]

**Textual Amendments**

**F1** Regs. 49-58 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

**F9** Reg. 51(5) omitted (20.5.2002) by virtue of Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **15**

**Modifications etc. (not altering text)**

**C3** Reg. 51 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , **8**

**C4** Reg. 51 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , **8** (with reg. 8(4) )

**Physical examinations at oral hearings**

<sup>F1</sup> **52** . . . . .

**Textual Amendments**

**F1** Regs. 49-58 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, CHAPTER IV.