

Government Circular No. 117/70.
G.O. Reference No. N.2304/64/1.

ISLE OF MAN

SUPPLEMENTARY BENEFIT

THE SUPPLEMENTARY BENEFIT (ISLE OF MAN)
(APPEAL TRIBUNALS) RULES 1970

Approved by resolution of Tynwald, 17th November, 1970.

BSS 6

The Isle of Man Board of Social Security, with the approval of the Deputy Governor, in the exercise of the powers conferred by paragraph 4 of Schedule 2 to the Isle of Man Board of Social Security Act 1970 and of all other powers enabling the said Board in that behalf hereby makes the following rules :—

CITATION, COMMENCEMENT AND INTERPRETATION

1. —(1) These rules may be cited as the Supplementary Benefit (Isle of Man) (Appeal Tribunals) Rules 1970 and shall come into operation on the day following the date of the resolution of Tynwald approving these rules.

(2) In these rules unless the context otherwise requires —

“the Act” means the Isle of Man Board of Social Security Act 1970 ;

“the appellant” means a person who has brought an appeal under the Act or any other enactment to a Tribunal ;

“the Board” means the Isle of Man Board of Social Security ;

“the chairman” means the chairman or acting chairman of a Tribunal ;

“the parties” means the appellant or the person concerned and the Board ;

“the person concerned” means, as the case may require —

(a) a person in respect of whom a report has been made by the Board to a Tribunal under section 11 of the Act ; or

(b) a person in respect of whom a direction of the Board has been referred to a Tribunal under paragraph 3 of Schedule 3 to the Act ; or

(c) where any question has arisen as to whether any or what amount paid by way of benefit is recoverable by the Board from any person under section 24 of the Act, that person ;

“Tribunal” means an Appeal Tribunal under the Act ;

and other expressions have the same meaning as in the Act.

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(3) References in these rules to any enactment or regulations shall unless the context otherwise requires, include references to such enactment or regulations, as amended by any subsequent enactment, order or regulations, and to any enactments, orders or regulations which replace them by provisions which deal with the same subject matter and are (so far as material) to the like effect.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these rules shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

(5) The Interpretation Act 1970 shall apply for the purpose of the interpretation of these rules as it applies for the purpose of the interpretation of an Act of Tynwald.

TENURE OF OFFICE OF MEMBERS OF TRIBUNALS

2.—(1) The chairman and other members of a Tribunal shall hold office in accordance with the terms of their respective letters of appointment.

(2) No member of a Tribunal shall sit upon a Tribunal during the consideration of a matter —

- (a) in which he appears as the representative of or accompanies the appellant or the person concerned ; or
- (b) by which he is or may be directly affected.

PROCEDURE ON REPORTS MADE BY THE COMMISSION UNDER SECTION 11 OF THE ACT

3.—(1) Where the Board has made a report to a Tribunal under section 11 of the Act (modification of right to supplementary allowance in special cases) the Tribunal shall, as soon as may be hold an oral hearing.

(2) A representation under subsection (5) of the said section 11 that a direction of a Tribunal ought to be revoked shall be made in writing and shall be given or sent to the clerk of the Tribunal and the Tribunal shall as soon as may be, hold an oral hearing.

TIME AND MANNER OF BRINGING APPEALS

4.—An appeal against a determination by the Board or its refusal to review a determination shall be brought by giving notice of the appeal in writing at the head office of the Board and such notice shall be given within 21 days of the notification of the decision or within such further time as the chairman may for good cause allow, and the Tribunal shall, as soon as may be, hold an oral hearing.

PROCEDURE ON REFERENCES TO TRIBUNALS UNDER SECTION 24 OF THE ACT

5.—Any question arising as to whether any or what amount paid by way of benefit is recoverable by the Board under section 24(x) of the Act (recovery in cases of misrepresentation or non-disclosure) shall be referred

by the Board to a Tribunal by notice in writing and the Tribunal shall, as soon as may be, hold an oral hearing.

PROCEDURE ON REFERENCE UNDER PARAGRAPH 3 OF SCHEDULE 3 TO THE ACT

6.—A requirement that a direction given by the Board under paragraph 3(2) of Schedule 3 to the Act (accommodation in reception centres in special cases) shall be referred to a Tribunal, shall be made by the person concerned giving notice of the said requirement in writing to the Board and the Tribunal shall, as soon as may be, hold an oral hearing.

TIME AND PLACE OF HEARING

7.—(1) Reasonable notice of the time and place of an oral hearing, together with particulars of the case, shall be given by the clerk of the Tribunal to the parties, and, except with the consent of those parties, the Tribunal shall not proceed with the hearing unless such notice has been given.

(2) If a party to whom notice of an oral hearing has been duly given in accordance with the foregoing provisions of this rule should fail to appear at such hearing, the Tribunal may proceed to consider and determine the matter notwithstanding the absence of that party, or may give such directions with a view to the consideration and determination of the matter as they may think proper, having regard to all the circumstances including any explanation offered for the absence.

(3) The chairman may adjourn an oral hearing from time to time as he may think fit.

PROCEDURE IN ABSENCE OF MEMBERS OF THE TRIBUNAL

8.—The consideration of any matter may, with the consent of the parties, but not otherwise, be proceeded with in the absence of any member of a Tribunal other than the chairman.

PROCEDURE AT HEARINGS

9.—(1) The clerk of a Tribunal, or his deputy, shall be present at all sittings of the Tribunal, and the parties shall be entitled to be present during an oral hearing and to be heard, and may be represented or accompanied by any person whether having legal qualifications or not.

(2) The Tribunal may allow any other person appearing to them to be interested to be present during the oral hearing, but, save as aforesaid, there shall not be admitted to such hearing any member of the public or the representative of any newspaper.

(3) For the purpose of discussing their determination on any matter, the Tribunal may order any person to withdraw.

DETERMINATION OF TRIBUNALS

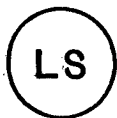
10.—The determination on any matter of the majority of a Tribunal shall be the determination of the Tribunal, and the Tribunal shall record

in writing all their determinations, and as soon as is practicable after any matter has been determined, the clerk of the Tribunal shall notify the parties of the determination.

GENERAL PROVISION AS TO PROCEEDINGS BEFORE TRIBUNALS

11. —(1) The Board may pay travelling and other allowances (including compensation for loss of remunerative time) in respect of attendance at an oral hearing before a Tribunal to any person required to attend thereat or to a person permitted in accordance with the provisions of these rules to represent or to accompany the appellant or the person concerned at such hearing.

(2) Any person desiring to claim an allowance as aforesaid shall forthwith submit a claim to the Board and the Board's decision thereon shall be final.



GIVEN UNDER THE OFFICIAL SEAL
OF THE ISLE OF MAN BOARD OF
SOCIAL SECURITY THIS TWENTIETH
DAY OF OCTOBER NINETEEN
HUNDRED AND SEVENTY.

J. C. NIVISON, *Chairman.*

W. H. CAIN, *Secretary.*

Approved by me,
G. E. MOORE,
Deputy Governor.

EXPLANATORY NOTE

(This Note is not part of the Rules)

These Rules provide for the procedure of an Appeal Tribunal constituted under the Isle of Man Board of Social Security Act 1970 for the manner in which, and the time within which, matters may be brought before the Tribunal and for the payment to persons attending proceedings before a Tribunal of travelling and other allowances.