

LEGAL NOTICE No. 131

32:01

REPUBLIC OF TRINIDAD AND TOBAGO

THE NATIONAL INSURANCE ACT, 1971

REGULATIONS

MADE BY THE PRESIDENT UNDER SECTION 60(2) OF THE NATIONAL
INSURANCE ACT, 1971

THE NATIONAL INSURANCE (APPEALS) REGULATIONS, 1980

1. These Regulations may be cited as the National Insurance (Appeals) Regulations, 1980. Citation

2. In these Regulations—

- "area" means each of the areas of North Trinidad, South Trinidad and the Island of Tobago as described in section 58(5) of the Act
- "Chairman" means the Chairman appointed by the President under section 58(1)(a) of the Act;
- "medical appeal tribunal" means an appeal tribunal among the members of which is the Chief Medical Officer;
- "member" means a member of an appeals tribunal.

Interpre-
tation

3. Where a person claiming benefit under the Act is aggrieved by the decision of the Board in respect of his claim he may appeal on questions of fact only in accordance with these Regulations.

Who may
appeal

4. The Minister shall by Notice published in the *Gazette* specify the places in each area designated for the hearing of appeals.

Places for
hearing of
appeals to
be specified
by Notice in
Gazette

5. (1) An appeal shall be heard by the appeals tribunal sitting in the area in which the appellant resides.

Appeals
tribunals

(2) An appeal involving questions of a medical nature shall be heard by a medical appeals tribunal sitting in the area in which the appellant resides.

6. (1) The quorum of an appeals tribunal consists of the Chairman and two other members.

Quorum of
appeals
tribunal

(2) The quorum of a medical appeals tribunal consists of the Chairman, the Chief Medical Officer and two other members.

7. (1) In convening an appeals tribunal the Chairman shall select members living in the following area—

Convening
of tribunals

- (a) North Trinidad, where the appeals tribunal is to sit in North Trinidad;
- (b) South Trinidad, where the appeals tribunal is to sit in South Trinidad;
- (c) the Island of Tobago, where the appeals tribunal is to sit in Tobago.

(2) Where a member selected by the Chairman from the area in which the tribunal is to sit is unable to attend, and the formation of a quorum is thereby rendered impossible, the Chairman may select in such member's stead a member from another area and nominated in the same manner as the member originally selected, to serve on the tribunal.

Notice of appeal

8. (1) Notice of appeal shall be in writing, signed by the appellant and shall contain the grounds of appeal.

Form I

(2) Where a notice of appeal is submitted on the prescribed form set out in the Schedule as Form I it shall be lodged in triplicate at any office of the Board or of the Ministry responsible for National Insurance.

(3) Where a notice of appeal is submitted otherwise than on the prescribed form it shall be sent by registered post to the Chairman at his office.

Form of notice of appeal

9. The prescribed form of notice of appeal shall be available upon request and free of charge from any office of the Board.

Notice regarding availability of forms to be displayed in every office

10. There shall be displayed in a conspicuous place in every office of the Board a notice to the effect that forms of notice of appeal are available at that office upon request and free of charge.

Officer liable to disciplinary action

11. An officer of the Board who in any way hinders a person desirous of appealing against a decision of the Board from obtaining the prescribed form of notice of appeal is liable to have disciplinary action taken against him.

Receptacles for lodging appeals

12. (1) There shall be provided at each office of the Board or the Ministry responsible for national insurance suitable receptacles conspicuously marked for the lodgement of notices of appeal.

(2) The Registrar shall ensure that receptacles for the lodgement of notices of appeal are cleared in the afternoon of the last working day of each week.

Time limit for appeals

13. (1) Subject to this regulation, notice of appeal given after the expiration of six months from the date of the decision of the Board giving rise to the appeal, shall not be considered by the tribunal.

(2) The limitation referred to in paragraph (1) shall not apply to appeals in respect of decisions of the Board prior to the coming into operation of these Regulations.

(3) Where a notice of appeal is received out of time, it shall be acknowledged by the Registrar who shall request the appellant to furnish reasons for its late submission.

(4) Where an appellant furnishes reasons for the late submission of his appeal the Chairman shall decide whether or not the late appeal shall be considered.

(5) No appeal shall lie against a decision of the Chairman under paragraph (4).

14. The Registrar shall ensure that a copy of every appeal lodged or received is served on the Board, in accordance with section 4(4) of the Act. **Board to receive copy of appeal**

15. The Board shall, where a copy of a notice of appeal has been served on it, advise the Chairman not later than three weeks after such service, whether it has reconsidered its decision which gave rise to the appeal or whether it intends to join issue with the appellant. **Board to advise Chairman**

16. (1) The Registrar shall give not less than twenty-one days written notice of the time and place of the hearing of an appeal to members of the appeals tribunal, the appellant and the Board. **Notice of hearing**

(2) The appeals tribunal may determine an appeal in the absence of the appellant or other interested person to whom the required notice of hearing has been given, where no reasonable explanation is submitted for his absence.

17. (1) Though hearings before an appeals tribunal are in public the Chairman may at the request of an appellant decide that the hearing be in private. **Public or private hearing of appeal**

(2) Where an appellant requests that a hearing be in private, only members of the appeals tribunal and their clerk may be present when the request is being considered.

(3) Where an appellant requests that hearing be in private, the Chairman may decide that part of the hearing be heard in private and part in public.

18. Every member of an appeals tribunal other than the Chief Medical Officer in a medical appeals tribunal, may vote. **Voting power of members**

19. (1) Before an appeal involving questions of a medical nature is determined, the Chief Medical Officer shall advise the Chairman either orally or in writing on— **Functions of Chief Medical Officer in medical appeals tribunal**

- (a) whether or not the appeals tribunal should obtain further expert medical advice;
- (b) who should furnish this advice; and
- (c) whether the appellant's doctor or the Board's medical adviser should be invited to attend.

(2) Where evidence of a medical nature is given to a medical appeals tribunal the Chief Medical Officer shall evaluate this evidence and explain it to the other members.

20. Where a medical practitioner gives evidence before a medical appeals tribunal all questions of a medical nature shall be put to him by the Chief Medical Officer who shall submit to the medical appeals tribunal a report on the medical issues involved. **Chief Medical Officer to report to tribunal**

21. In any appeal involving questions of a medical nature the medical appeals tribunal shall be guided on the medical issues by the advice and explanations given by the Chief Medical Officer. **Tribunal to be guided by the Chief Medical Officer**

Chairman
may refer
matter
to Chief
Medical
Officer
before
convening
tribunal

22. Where it is convenient so to do, the Chairman may forward to the Chief Medical Officer for advice any documents related to the medical issues in any appeal and may consider the reply of the Chief Medical Officer even before convening a tribunal to deal with the appeal.

Documents
required at
hearing of
appeal

23. The Registrar shall ensure that all documents required at the hearing are available and shall prepare a sufficient number for use at the hearing.

Documents
to be
numbered

24. Documents for use at a hearing shall be numbered by the Registrar, and copies of a document shall bear the same number as the original document.

Medical
documents

25. The Chief Medical Officer shall advise the Chairman on which medical documents shall be treated in a confidential manner and may where he considers it appropriate advise non-disclosure of any medical report relating to the appellant.

Chairman
to direct
Registrar

26. Where the Chief Medical Officer advises the Chairman as is contemplated by regulation 25, the Chairman shall direct the Registrar with respect to the medical document in accordance with the advice of the Chief Medical Officer and the Registrar shall comply with such direction.

Board not
to disclose
possibility
of pro-
ceedings
arising from
appellant's
dishonesty

27. The Board shall not at the hearing of an appeal disclose that proceedings on any charge involving dishonesty on the part of the appellant are being contemplated.

Decisions
of tribunal
Form 2

28. (1) The determination of an appeal by an appeals tribunal shall be recorded on the prescribed form set out in the Schedule as Form 2.

(2) An appeals tribunal shall in recording its decision set out the reasons therefor and its findings on the questions of fact material to the appeal.

(3) The form on which the determination of an appeal is recorded shall be signed by all the members of the appeals tribunal who heard the appeal.

Copies of
tribunal's
decision to
be sent to
appellant,
etc.

29. Copies of the determination of an appeal as recorded in accordance with regulation 28 shall be forwarded forthwith by the Registrar to the appellant, the Board and the Minister.

Board to
comply
with
tribunal's
directive

30. Where an appeals tribunal in recording its decision or findings issues a directive to the Board, the Board shall comply with such directive within one month of the date of the document on which the determination of the appeal is recorded.

Representa-
tion by
Counsel

31. At a hearing before an appeals tribunal the appellant and the Board may be represented by Counsel or Solicitor or any person qualified or competent to represent either party to the hearing, and may call and question witnesses.

32. An appeals tribunal is not bound by the strict rules governing the Rules of admissibility of evidence, but where the appellant or other witnesses are available to give evidence, on questions of fact in issue they must be called, and a statement intended to support such evidence is inadmissible in such event.

SCHEDULE

FORM I

[Regulations 8(2)]

THE NATIONAL INSURANCE (APPEALS) REGULATIONS, 1980

N.B.—This form must be filed in Triplicate.

NOTICE OF APPEAL

Name and Registration Number of insured person in respect of whom claim was made

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Date of Board's decision on Claim

Name of Appellant

Address of Appellant

GROUNDS OF APPEAL

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Date.....

.....

Signature of Appellant

FORM 2

[Regulation 28(1)]

THE NATIONAL INSURANCE (APPEALS) REGULATIONS, 1980
DECISION OF APPEALS TRIBUNAL

Name and Registration Number of insured person in respect of whom claim was made to the Board

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Name of Appellant

DECISION

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.....

.....

Date.....

Signed

Members of Appeals Tribunal

}
	<i>Chairman</i>

	<i>Member</i>
}
	<i>Member</i>
}
	<i>Member</i>

Made this 15th day of July, 1980.

K. BOSWELL INNIS
Secretary to Cabinet