

Social Security (Employment Injuries Insurance)

1952-10

EMPLOYMENT INJURIES (QUESTIONS AND APPEALS) REGULATIONS

**Subsidiary
1954.10.14**

This version is out of date

Regulations made under s.50.

EMPLOYMENT INJURIES (QUESTIONS AND APPEALS) REGULATIONS

(1954.10.14)

18.10.1954

Amending enactments	Relevant current provisions	Commencement date
Regs. of 26.1.1960	regs.4, 5, 6(1)-(4), 7, 8 and 10	
LN. 1975/009	–	
1982/059	Sch.	

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title.

PART I.

DETERMINATION OF QUESTIONS AND CLAIMS.

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3. Questions.
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**APPEALS TO EMPLOYMENT INJURIES APPEALS
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INJURIES APPEALS BOARD, MEDICAL BOARD AND MEDICAL
APPEALS TRIBUNAL.**

10. Fees.

SCHEDULE.

SCALE OF FEES

Title.

1. These Regulations may be cited as the Employment Injuries (Questions and Appeals) Regulations.

PART I.

DETERMINATION OF QUESTIONS AND CLAIMS.

Determination of questions or claims.

2. (1) Any person desiring to obtain the determination of the Director on any question or claim under the Act shall make application to the Director in writing in a form to be approved by the Director and shall furnish such particulars as the Director may require for the purpose of the consideration and determination of any such question or claim.

(2) The Director shall take steps to bring any such application and particulars to the notice of any person appearing to him to be interested therein and to obtain from such person such information, as he considers necessary for the proper determination of the question or claim.

Questions.

3. (1) The Director may, if he thinks fit, before determining any question or claim hold an inquiry into the question or claim, or into any matters arising in connection therewith.

(2) Reasonable notice of the date and place of the holding of such inquiry shall be given to the applicant and any persons notified of the application in accordance with regulation 2(2).

(3) The applicant and any person appearing to the Director to be interested in the application shall be entitled to attend and be heard at the inquiry.

(4) Subject to the provisions of this regulation, the Director may regulate the procedure at the inquiry.

Procedure where a disablement question arises.

4. If, on consideration of any question or claim, the Director is of opinion that it is in issue -

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- (a) whether the relevant accident has resulted in a loss of faculty;
or
- (b) whether a loss of faculty is likely to be permanent ; or
- (c) at what degree the extent of disablement resulting from a loss of faculty is to be assessed and what period is to be taken into account by the assessment,

he shall refer such claim or question to the Medical Board for determination.

PART II.**APPEALS TO EMPLOYMENT INJURIES APPEALS BOARD AND
MEDICAL APPEALS TRIBUNAL.****Appeals to the Employment Injuries Appeals Board and the Medical Appeals Tribunal.**

5. (1) The Director shall notify his decision to the applicant on any question or claim in writing together with his reasons therefor and shall inform him of his right of appeal to the Employment Injuries Appeals Board or the Medical Appeals Tribunal as the case may be.

(2) Where notice of appeal has been given to the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, the Director shall be so notified, and he shall, within eight days next after such notification deliver to the secretary to the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be-

- (a) a statement in writing showing the grounds for his decision ;
- (b) a statement in writing setting out the findings of fact on which such decision was based;
- (c) if the claim or question has been referred to the Medical Board under regulation 4 and the Medical Board has given a decision thereon a copy of such decision.

Hearing of cases by the Employment Injuries Appeals Board or the Medical Appeals Tribunal.

6. (1) Not less than three days notice of the time and place of the hearing of any appeal shall be given to the appellant and to any other person who may appear to the chairman of the Employment Injuries Appeals Board or the

Medical Appeal Tribunal, as the case may be, to be an interested person and, except with the consent of the appellant and such person, if any, the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, shall not proceed with the hearing of any appeal unless such notice has been given.

(2) If an appellant or other person to whom notice has been duly given in accordance with this regulation should fail to appear at such hearing, and has not given a reasonable explanation for his absence, the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, may dismiss or allow the appeal, as the case may be, or proceed to determine the appeal notwithstanding the absence of the appellant or other person, or may give such directions with a view to the determination of the appeal as they may think proper.

(3) During the consideration by the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, of any appeal, the appellant and any interested person shall be entitled to be present and to be heard and may with the consent of the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, be represented by any other person.

(4) For the purpose of arriving at their decision or discussing any question of procedure at any hearing, the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, may, notwithstanding anything in this regulation, order all persons not being members of the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, to withdraw from the hearing.

(5) The provisions of regulation 4 shall be applied mutatis mutandis, to any appeal where the Board are of opinion that the claim or question before them cannot be determined without medical evidence.

Decisions of the Employment Injuries Appeals Board or Medical Appeals Tribunal.

7. (1) The Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, shall in each case record their decision in writing, and shall include in the record-

- (a) a statement of the grounds of their decision ;
- (b) a statement of their findings on questions of fact material to the decision ;

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- (c) if the decision was not unanimous, a statement signed by the member or members who dissented and of the reasons given by him or them for so dissenting ; and
- (d) if any question in the appeal was referred for decision to the Medical Board under regulation 4 a statement to that effect and a copy of such decision.

(2) As soon as may be practicable after an appeal has been decided by the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, a copy of the decision shall be sent to the appellant and to any other person who appears to the Employment Injuries Appeals Board or the Medical Appeals Tribunal, as the case may be, to be an interested person.

Procedure on application for review by the Director, Supreme Court Employment Injuries Appeals Board or the Medical Appeals Tribunal.

8. The provisions of the foregoing regulations shall apply with the necessary modifications to any case in which an application is made for the review of a decision of the Director, the Supreme Court, the Employment Injuries Appeals Board or the Medical Appeals Tribunal, in accordance with the provisions of section 37 or section 42 of the Act.

PART III.**SET-OFF AND RECOVERY OF OVERPAYMENTS.****Set-off of one benefit against another.**

9. (1) Where by a decision given on appeal or review a person who has been awarded benefit is awarded some other benefit in lieu (whether of the same or a different description), then in so far as the amount of any benefit originally awarded is not required to be repaid under section 28(1) of the Act it may be treated as a payment on account of any benefit awarded on appeal or review.

(2) Any sums paid on account of benefits to or on behalf of persons not legally entitled thereto, in so far as they are neither recovered under section 28(1) nor treated as payment on account of any other benefit awarded under sub-regulation (1), shall be treated as expenditure on benefits and charged to the Fund.

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PAYMENT OF FEES TO MEMBERS OF THE EMPLOYMENT
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Fees.

10. The fees payable out of the fund to the Chairman and members of the Employment Injuries Appeals Board, Medical Board or Medical Appeals Tribunal, in respect of each sitting of such Employment Injuries Appeals Board, Medical Board or Medical Appeals Tribunal shall be as set out in the Schedule:

Provided that such fees shall not be payable to the Chairman of the Employment Injuries Appeals Board, the Chairman of the Medical Board or the Chairman of the Medical Appeals Tribunal or to any member of such Boards or Tribunal whilst he is in the full time employment of the Government of Gibraltar.

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SCHEDULE.

Regulation 10.

SCALE OF FEES.

1. Chairman of the Employment Injuries Appeals Board, Chairman of the Medical Board and Chairman of the Medical Appeals Tribunal£20
2. Each other member of the Medical Board or of the Medical Appeals Tribunal£15
3. Each other members of the Employment Injuries Appeals Board who loses wages as a result of attendance.....The amount actually lost, not exceeding £15 per diem.