

# **1997-16**      Social Security (Open Long-Term Benefits Scheme)

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Subsidiary Legislation made under ss.24, 31A, 31B and 35.

## **Social Security (Open Long-Term Benefits) (Questions and Claims) Regulations 1997**

**LN.1997/120**

|                     |                             | <i>Commencement</i> | <b>1.4.1997</b>   |
|---------------------|-----------------------------|---------------------|-------------------|
| Amending enactments | Relevant current provisions |                     | Commencement date |
| LN. 1999/156        | r. 8, Sch.                  |                     | 18.11.1999        |

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**Title and commencement.**

1. These regulations may be cited as the Social Security (Open Long-Term Benefits) (Questions and Claims) Regulations 1997 and shall be deemed to have come into effect on the 1st day of April, 1997.

**PART I**

**DETERMINATION OF QUESTIONS AND CLAIMS**

**Determination of questions or claim.**

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 approved by him, 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.

**Inquiry.**

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 medical opinion is sought.**

4. If on consideration of any question or claim, the Director is of opinion that such question or claim cannot be determined without medical evidence, he may obtain a medical opinion on such question or claim from any one or more registered medical practitioners to be appointed by the Minister for such purpose.

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**Review.**

5. 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 in accordance with the provisions of section 33 of the Act.

**PART II**  
SET-OFF AND RECOVERY OF OVERPAYMENTS

**Set-off of one benefit against another.**

6.(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 the provisions of regulation 10, 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 the provisions of regulation 7 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.

**Recovery of over-payments.**

7.(1) If it is found at any time that a person has been in receipt of any benefit under the Act without being lawfully entitled thereto, he shall be liable to repay the amount of that benefit to the Director.

(2) Repayment shall not be required under paragraph (1) above in any case where the beneficiary is shown to the satisfaction of the Director to have acted in good faith in all respects as to the obtaining and receipt of the benefit.

**PART III**  
PAYMENT OF FEES

**Fees payable to medical practitioners.**

8. The fees payable out of the fund to medical practitioners appointed under regulation 4 shall be as set out in the Schedule.

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**SCHEDULE**

Regulation 8.

**SCALES OF FEES**

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To each medical practitioner on reference to him for examination and/or medical opinion on a question or claim 50.00.