

## **National Pensions (Tribunal) Regulations 1979**

**GN 161/1979**

### **Regulations made by the Minister under section 46 of the National Pensions Act 1976**

1. These regulations may be cited as the National Pensions (Tribunal) Regulations 1979.

2. In these regulations-

"Act" means the National Pensions Act 1976;

"Appeal Tribunal" means the Appeal Tribunal established under section 36 of the Act;

"approved form" means a form approved by the Minister;

"Medical Board" means the Medical Board appointed under section 34(2) of the Act;

"Medical Officer" means the Medical Officer appointed under section 34(2) of the Act.

"Medical Tribunal" means the Medical Tribunal established under section 36 of the Act;

"member" means a member of the Tribunal;

"Tribunal" means the Appeal Tribunal or the Medical Tribunal, as the case may be.

#### **Added by [GN No. 222 of 1980]**

3. (1) For the purpose of section 36(2) of the Act, the members of the Appeal Tribunal shall consist of-

- (a) one member drawn from a panel composed of persons representing employers and self-employed persons; and
- (b) one member drawn from a panel composed of persons representing employees.

(2) Each member of the panels referred to in paragraph (1) shall be appointed by the Minister after consultation with-

- (a) in respect of the panel referred to in subparagraph (1)(a), organisations representing employers;
- (b) in respect of the panel referred to in subparagraph (1)(b), organisations representing employees;
- (c) in respect of either panel, such organisations as he thinks appropriate.

(3) The membership of either panel shall be not less than four and not more than six at

any time,

4. (1) (a) Where a claimant or beneficiary is aggrieved by a decision of the National Pensions Officer, the Medical Officer, the Medical Board or the Minister, he may, not later than one month from the date on which the decision was communicated to him, lodge an appeal against such decision to the Tribunal

b) Where the National Pensions Officer is aggrieved by a decision of the Medical Officer or Medical Board, he may not later than one month from the date of the decision, lodge an appeal against such decision with the Tribunal.

(c) An appeal under this regulation shall be made on an approved form and shall contain a statement of the grounds upon which the appeal is based.

(d) The Tribunal may on application made to that effect and on good cause shown to its satisfaction extend the time within which an appeal may be lodged.

**Amended by [\[GN No. 132 of 1982\]](#)**

(2) (a) The appellant, the National Pensions Officer or the Minister shall be entitled to be heard by the Tribunal in person or by his duly authorised representative.

(b) The decision of the majority of the Tribunal shall be the decision of the Tribunal.

(c) The decision of the Tribunal shall be reduced to writing and shall include a statement of the facts on which the decision is grounded.

(d) Where-

(i) any member of the Appeal Tribunal other than the Chairman is absent;  
and

(ii) the appellant agrees to the matter being proceeded with notwithstanding the vacancy,

the Appeal Tribunal as constituted may hear and determine the matter in issue.

(e) Where an appeal is determined by the Appeal Tribunal under subparagraph (f), the Chairman shall in case of an equality of votes, have a second or casting vote.

(f) On an appeal against the decision of the medical officer or Medical Board, the Medical Tribunal may increase or decrease the degree of disablement or vary the decision of the Medical Officer or Medical Board as appropriate and make such order as it thinks fit.

**Amended by [\[GN No. 121 of 2007\]](#); [\[Reprint No. 2 of 2007\]](#)**

(3) The decision of the Tribunal shall be communicated in writing to any party to the proceedings and to such other person who, in the opinion of the Tribunal, is an interested party.

Amended by [\[GN No. 222 of 1980\]](#); [\[GN No. 132 of 1982\]](#)

- 4A. (1) Where a claimant or beneficiary who has made an appeal to the Tribunal fails to attend the Tribunal on any day fixed in any letter convening him to appear at a hearing of the appeal before the Tribunal, the appeal may be dismissed, or set aside; or postponed, as may be deemed just by the Tribunal.
- (2) Where an appeal has been lodged by a National Pensions Officer and on the day he and the claimant or beneficiary have been convened for the hearing of the appeal -
- (a) the National Pensions Officer is absent, the Tribunal may dismiss, set aside, or postpone, the appeal as may be deemed just by the Tribunal; or
  - (b) the claimant or the beneficiary is absent, the Tribunal, upon proof of the posting of the convocation letter to the last known address of the claimant or beneficiary, or proof of his presence at the last sitting of the Tribunal, as the case may be, proceed to hear the appeal and -
    - (i) disallow the claim;
    - (ii) determine the claim on the information available; or
    - (iii) postpone the hearing of the appeal, as may be deemed just by the Tribunal.

Added by [\[GN No. 121 of 2007\]](#); [\[Reprint No. 2 of 2007\]](#)

5.(1) The Minister shall for the purposes of these regulations draw up a list of medical practitioners possessing such qualifications and experience as he thinks fit.

(2) The Minister shall appoint to the Medical Tribunal such medical practitioners from the

list referred to in paragraph (1) as in his opinion possess the appropriate qualifications and experience to hear the appeal.

**Amended by [\[GN No. 222 of 1980\]](#)**

6. The Tribunal shall sit in such place and at such time as the Minister may direct.

7. The Tribunal may direct that an appellant, or a witness attending the Tribunal at its request, be paid such travelling expenses and allowance as the Tribunal may determine.

8. The National Pensions (Appeal Tribunal) Regulations 1977 are revoked.

**Amended by [\[GN No. 222 of 1980\]](#)**

Made by the Minister on the 19th July 1979.