

**THE NATIONAL INSURANCE (APPEALS AND REFERENCES) RULES.
(SECTION 46.)**

[Commencement 7th October, 1974]

In exercise of the powers conferred upon the Rules Committee by section 41 of the Supreme Court Act, and subsection (4) of section 46 of The National Insurance Act, 1972, the following rules are hereby made:-

Citation and commencement.

1. These Rules may be cited as the National Insurance (Appeals References) Rules 1974, and shall come into operation on the 7th day of October, 1974.

Interpretation.

2. In these Rules, unless the context otherwise admits—

"the Act" means the National Insurance Act;

S.I. 64 of 1974.

"an appeal tribunal" means an appeal tribunal constituted under regulation 7 and the Schedule to the National Insurance (Determination of Claims and Questions) Regulations (hereinafter referred to as "the Determination of Claims and Questions Regulations");

"the Board" means the National Insurance Board established under section 3 of the Act;

"Order" means an order of the English Rules as adapted by paragraph (1) of Rule 2 of The Supreme Court Rules;

"Registrar" means the Registrar of the Supreme Court and "Registry" shall be construed accordingly;

"reserved question" means any question reserved for determination by the Board under regulation 3 of the Determination of Claims and Questions Regulations;

Appeal against decision of Board or appeal tribunal on question of law.

3. (1) Where any question of law arises in connexion with—

(a) the determination by the Board of a reserved question; or

(b) the determination by an appeal tribunal of any question (other than a reserved or medical question) arising under the Determination of Claims and Questions Regulations,

and that question of law is not referred by the Board or appeal tribunal to the Supreme Court for decision, any person aggrieved by the decision of the Board or the appeal tribunal (as the case may be) may, by notice in writing within twenty-one days after delivery of the decision by the Board or appeal tribunal (or within such further time as the Board or appeal tribunal may allow) require the Board or appeal tribunal to state that question of law together with the facts relating thereto and its decision thereon.

(2) The Board or appeal tribunal (as the case may be) shall, as soon as may be after the receipt of the notice referred to in paragraph (1) of this rule, state the case and send it by registered post to the person aggrieved (hereinafter referred to as "the appellant").

(3) A case stated by the Board or an appeal tribunal shall be signed by the Chairman or Deputy Chairman of the Board or the Chairman of an appeal tribunal or by such person as the Board or appeal tribunal may authorise in that behalf.

Appeals to Supreme Court.

- 4.** (1) An appeal from—
- (a) a decision of the Board under paragraph (3) of regulation 5 of the Determination of Claims and Questions Regulations; or
 - (b) a decision of an appeal tribunal under paragraph (3) of regulation 12 of the said Regulations, shall be instituted by notice of appeal which shall be lodged by the appellant in the Registry within twenty-one days after the delivery of the decision by the Board or appeal tribunal or within such further time as the Court may allow.

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(2) The notice of appeal shall be served upon the Board or appeal tribunal and upon every party to the proceedings before the Board or appeal tribunal. The notice of appeal shall be in Form 1 of the Schedule to these Rules and shall state the grounds of the appeal.

(3) The case shall be entered in a list to be kept in the Registry for that purpose.

Reference by Board of appeal tribunal of question to Supreme Court.

- 5.** (1) Proceedings on a reference of a question by—
- (a) the Board (under paragraph (1) of regulation 5 of the Determination of Claims and Questions Regulations); or
 - (b) an appeal tribunal (under paragraph (1) of regulation 12 of the of the said Regulations),

Schedule.

to the Supreme Court for decision shall be instituted by notice in Form 2 of the Schedule to these Rules.

(2) The notice of reference shall be filed in the Registry and shall be entered in the list referred to in paragraph (3) of rule 4.

Questions to be stated by the Board of appeal tribunal.

6. The Board or appeal tribunal shall state the question referred by it to the Court, together with the facts relating thereto in a case which shall be signed in the same manner as in paragraph (3) of rule 3.

Service of notice of reference.

7. The Board or appeal tribunal shall serve a notice of reference, together with a copy of the case stated, upon the other party or parties to the proceedings, at least twenty-one days before the time fixed by the notice for making the reference.

*{Setting down of appeal or reference.} –
(*Explanatory note by editor).*

8. Unless the Court otherwise directs, the Registrar shall set down the appeal or reference for argument not earlier than ten clear days after service of the notice of appeal or reference.

- Appeals and references to be heard by single Justice.* **9.** An appeal against a decision of the Board or an appeal tribunal on a question of law under the Determination of Claims and Questions Regulations, and a reference by the Board or appeal tribunal of any question of law thereunder shall be heard and determined by a single justice.
- Power of the Court to amend or remit case.* **10.** Upon the hearing of an appeal or a reference, the Court may, if it thinks fit, amend the case stated or order the case sent back to the Board or appeal tribunal to amend the same or to receive further evidence.
- Other powers of Court.* **11.** The Court may, in the case of an appeal or a reference, draw inferences of fact from the facts set forth in the case, and shall determine all questions arising thereon and, on the hearing of an appeal, may reverse, affirm or amend the decision appealed against or make such order as it may think fit.
- Decision of Court to be embodied in order.* **12.** The decision of the Court on an appeal or reference shall be embodied in an order, signed by the Justice, the original thereof shall be filed in the Registry and a copy sent to the Board and to every other party appearing at the hearing of the appeal or reference.
- Application of ordinary rules and procedure.* **13.** On the hearing of appeals or references under the Determination of Claims and Questions Regulations, the ordinary rules and procedure of the Court shall apply unless they are inconsistent with the Determination of Claims and Questions Regulations or these Rules.
- Cesser of application of Order 111 of English Rules.* **14.** Order 111 of the English Rules shall cease to have effect.

SCHEDULE.

Rule 4 (2)

FORM 1.

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

In the matter of the National Insurance (Determination of Claims and Questions) Regulations,

and

In the matter of an appeal against a decision of the National Insurance Board (or *appeal tribunal*) under regulation 5 (or *as the case may be*) of the National Insurance (Determination of Claims and Questions) Regulations, 1974.

A B Appellant

And

The National Insurance Board Respondent

To: The National Insurance Board of (*here insert the Board's address*).

The above named appellant hereby appeals against the decision of the National Insurance Board (*or as the case may be*) delivered on the . . day of, 19 . . to the effect that (*here state the effect of the decision against which you are appealing*).

And that the general grounds of such appeals are:-
(*here state each ground of appeal*)

Dated this day of , 19 .

Appellant(or Counsel and
Attorney for Appellant).

FORM 2.

Rule 5(1).

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT**

No.

In the matter of the National Insurance Act, 1972

And

In the matter of the determination of a reserved question under the National Insurance (Determination of Claims and Questions) Regulations (*or in the matter of a determination of the question whether* (here state question) by an appeal tribunal etc.)

The National Insurance Board
(or appeal tribunal)

Plaintiff

and

A B

C D

Defendants

This is a case stated by the Chairman of the National Insurance Board (*or an appeal tribunal*) for the purpose of a reference on a question/s of law which arose as hereinafter stated.

(here set out the case in numbered paragraphs)

Dated this day of , 19 .

Signed

Made by the Rules Committee this 2nd day of October, 1974.

Sgd.
Leonard J. Knowles
CHIEF JUSTICE.