Contributions

1948. No. 217

See p 829

Determination of Claims and Questions

REGULATIONS, DATED 12TH JUNE, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948 No. 185

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of the powers conferred by sections 40 and 45 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948, and shall come into operation on the 12th June, 1948.

(2) In these regulations, unless the context otherwise requires —

" the Act " means the National Insurance Act (Northern Ireland), 1946 ;

" the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946 ;

" the Family Allowances Act " means the Family Allowances Act (Northern Ireland), 1945 ;

" the Ministry " means the Ministry of Labour and National Insurance for Northern Ireland ;

" the umpire " means the umpire appointed by the Governor of Northern Ireland for the purposes of the Act, and any deputy umpire so appointed ;

" local tribunal " means a tribunal constituted in accordance with regulation 8 ;

" insurance officer " means an officer appointed in accordance with regulation 9 ;

" applicant " means, for the purposes of Part III of these regulations, a person who has made an application under the Act for the determination of a question ;

" claimant " means, for the purposes of Part IV of these regulations, a person who has claimed benefit under the Act ;

" question " includes, for the purposes of paragraph (2) of regulation 2 and Part IV of these regulations, a claim under the Act ;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

(5) Any power given in these regulations to extend the period during which anything is required to be done under these regulations or to dispense with any of the requirements thereof may be exercised in any case, notwithstanding that the period during which the thing is required to be done has expired.

(6) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(7) The provisions of these regulations shall not apply to claims and questions relating to death grant.

Part II

Persons to determine claims and questions

The Ministry.

2.—(1) The following questions arising under or in connection with the Act shall be determined by the Ministry in accordance with the procedure prescribed in Part III of these regulations, that is to say, any question —

(*a*) whether the contribution conditions for any benefit are satisfied, or otherwise relating to a person's contributions ;

(*b*) which of two or more persons satisfying the conditions for an increase of benefit, whether of the same or a different description, shall be entitled to the increase where by virtue of some provision of the Act not more than one of them is entitled to the increase ;

(*c*) as to the class of insured persons in which a person is to be included.

Insurance officers, local tribunals and umpire.

(2) Subject to the foregoing provisions of this regulation and of subsection (2) of section 40 of the Act (which subsection relates to the determination of certain questions under the Act by the procedure in

operation under the Family Allowances Act), any question as to the right to benefit shall be determined by an insurance officer, a local tribunal or the umpire in accordance with the provisions of Part IV of these regulations.

Modification of Family Allowances Act.

(3) The provisions of section 5 of the Family Allowances Act and of the regulations made thereunder shall apply to the determination of any such question as is mentioned in subsection (2) of section 40 of the Act, subject to the qualification that for that purpose, but for that purpose only—

(*a*) regulation 2 of the Family Allowances (References) Regulations (Northern Ireland), 1946, shall be modified to the extent that an application for a reference shall be sent in the first instance to the Ministry, and shall be forwarded by the Ministry to the Registrar of Appeals under the said Act as soon as may be practicable ; and

(*b*) regulation 8 of the last mentioned regulations shall be modified to the extent that a copy of the decision of the umpire, which under the said regulation 8 is to be sent by the Registrar of Appeals to the applicant, shall be sent in the first instance to the Ministry and shall be forwarded by the Ministry to the applicant as soon as may be practicable.

PART III

Determination of questions by Ministry

Application for, and procedure on, determination of question by the Ministry.

3.—(1) Any person desiring to obtain the decision of the Ministry on any question mentioned in paragraph (1) of regulation 2 shall deliver or send to the Ministry an application for the purpose in writing in a form approved by it, and shall furnish such particulars as the Ministry may require for the purpose of the consideration and determination of any such question.

(2) The Ministry shall take steps to bring any such application and any such particulars to the notice of any person appearing to it to be interested therein and to obtain from such person such particulars within such time and in such form as it considers reasonably necessary for the proper determination of the question.

(3) The Ministry may, if it thinks fit, before determining the question, appoint a person to hold an inquiry into the question or any matters arising in connection therewith and to report to it thereon, and any person so appointed may by summons require persons to attend at any such inquiry to give evidence or to produce documents reasonably required for the purpose of the inquiry and may take evidence on oath and for that purpose administer oaths.

(4) 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 paragraph (2) of this regulation.

(5) The applicant and any person appearing to the Ministry or to the person appointed to hold the inquiry to be interested in the application shall be entitled to attend and be heard at the inquiry, and to be represented by any other person, and the procedure thereat shall, subject to this regulation, be such as the person appointed to hold the inquiry shall determine.

(6) The Ministry shall give notice in writing of its decision to the applicant and to any persons appearing to it to be interested therein and may publish its decision in such manner as it thinks fit.

Appeals, etc., to the Supreme Court.

4.—(1) Any question of law arising in connection with the determination by the Ministry of any such question as is mentioned in paragraph (1) of regulation 2 may, if the Ministry thinks fit, be referred for decision to the Supreme Court.

(2) In the event of the Ministry determining in accordance with the preceding paragraph of this regulation to refer any question of law to the Supreme Court, it shall send notice in writing of its intention so to do to the applicant and to any other person appearing to it to be interested therein.

(3) Any person aggrieved by the decision of the Ministry on any question of law which is not referred in accordance with paragraph (1) of this regulation may appeal from that decision to the Supreme Court, and the applicant and any other person appearing to the Ministry to be interested shall, on request, be furnished with such a statement of the grounds of the decision as will enable him to determine whether any question of law has arisen upon which he may wish to appeal.

(4) The Ministry shall be entitled to appear and be heard on any such reference or appeal.

Review of decisions by Ministry.

5. The Ministry may, on new facts being brought to its notice, review a decision given by it in accordance with this Part of these regulations :

Provided that any such decision shall not be reviewed while an appeal is pending against the decision of the Ministry on a question of law arising in connection therewith, or before the time for appealing has expired.

Decisions to be conclusive for purposes of proceedings under the Act, etc.

6.—(1) Where in any proceedings —

(*a*) for an offence under the Act ; or

(*b*) involving any question as to the payment of contributions under the Act ; or

(*c*) for the recovery of any sums due to the National Insurance Fund ;

any question arises which under paragraph (1) of regulation 2 is to be determined by the Ministry (subject to an appeal on a question of law to the Supreme Court), the decision of the Ministry shall, unless such an appeal is pending or the time for so appealing has not expired, be conclusive for the purpose of those proceedings.

(2) In any such proceedings as aforesaid —

(*a*) where any question arises which under subsection (2) of section 40 of the Act is required to be determined in like manner as a corresponding question arising under the Family Allowances Act, the decision of that question by the Ministry shall, unless the question has been referred in accordance with subsection (2) of section 5 of that Act, or the time for applying for such a reference has not expired, be conclusive for the purpose of those proceedings ; and

(*b*) where the question has been so referred, the decision on such reference shall be conclusive as aforesaid.

(3) If any such decision under either of the preceding paragraphs has not been obtained and the decision of the question is necessary for the determination of the proceedings, the question shall be referred to the Ministry for decision in accordance with the procedure (subject to the necessary modifications) prescribed in this Part of these regulations or under the Family Allowances Act, as the case may be.

(4) Where any such appeal as is mentioned in the preceding paragraphs of this regulation is pending, or any such application for a reference has been made, or the time for so appealing or making such an application has not expired, or where any question has been referred to the Ministry, the court dealing with the case shall adjourn the proceedings until such time as a final decision upon the question has been obtained.

Procedure on application for review or on reference by a court.

7. The provisions of this Part of these regulations shall apply with the necessary modifications to any case in which —

(*a*) a question has been raised with a view to the review of any decision of the Ministry given in accordance with these regulations ; or

(*b*) a question such as is mentioned in paragraph (1) of regulation 2 is referred to the Ministry under paragraph (3) of the last foregoing regulation or under regulation 23.

PART IV

Determination of claims and questions by insurance officers, local tribunals and the umpire

Constitution, etc., of local tribunals.

8.—(1) A local tribunal shall consist of —

(*a*) one member drawn from a panel composed of persons representing employers and persons representing insured persons other than employed persons ;

(*b*) one member drawn from a panel of persons representing employed persons ;

(*c*) a person appointed by the Ministry to act as chairman.

(2) The panels referred to in paragraph (1) of this regulation shall be constituted by the Ministry for the whole of Northern Ireland,