Provided that the whole of the amount payable in respect of contributions for that contribution half-year shall be paid to the Ministry not later than thirty days after the end of such half-year."

Given under the Official Seal of the National Health Insurance Joint Committee this 19th day of December, 1939.

(L.S.) *H. N. Howorth,*
Secretary to the National Health Insurance Joint Committee.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 19th day of December, 1939.

(L.S.) *William Allen,*
Assistant Secretary to the Ministry of Labour for Northern Ireland.

Decision of Questions.

THE NATIONAL HEALTH INSURANCE (DECISION OF QUESTIONS) REGULATIONS (NORTHERN IRELAND), 1939, DATED 7TH DAY OF JULY, 1939, MADE BY THE MINISTRY OF LABOUR FOR NORTHERN IRELAND, UNDER SECTION 161 OF THE NATIONAL HEALTH INSURANCE ACT, 1936.

1939. No. 98.

The Ministry of Labour for Northern Ireland, in exercise of the powers conferred on it by Section 161 of the National Health Insurance Act, 1936, hereby makes the following Regulations :—

Short title and interpretation.

1.—(1) These Regulations may be cited as the National Health Insurance (Decision of Questions) Regulations (Northern Ireland), 1939, and shall come into operation forthwith.

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

"the Act" means the National Health Insurance Act, 1936, as amended by any subsequent enactment;

"The Ministry" means the Ministry of Labour for Northern Ireland;

"society" means an approved society;

"question" means a question required to be determined by the Ministry under Section 161 of the Act, unless required to be determined by a society under these Regulations;

"application" means an application under these Regulations for the determination of a question;

"applicant" means the person by whom the application is made;

"respondent" means the person, other than the applicant, specified in the form of application as the employer or employee as the case may be.

(3) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Certain questions to be determined by society

2.—Any question as to the rate of contributions payable by or in respect of any insured person who is, or is about to become, a member of a society shall, instead of being determined by the Ministry, be determined by the society unless the question is, in the opinion of the Ministry, a question the decison of which may affect the interest of an employer.

Application for the determination of question

3.—Any person who desires to obtain the decision of the Ministry on any question may make an application for the purpose by delivering or sending to the Ministry an application in such one of the forms set out in the First Schedule to these Regulations as is appropriate to the case, or in a form substantially to the like effect:

Provided that where the question is as to the rate of contributions payable by or in respect of an insured person, or as to the rates of contributions payable in respect of an employed contributor by the employer and the contributor respectively or whether a person is or was entitled to be a voluntary contributor, the application may be delivered or sent to the Ministry in such other form as the Ministry may approve.

Procedure on receipt of application

4.—(1) The Ministry shall upon the receipt of an application deliver or send to the respondent, and may if it thinks fit deliver or send to any person appearing to be interested, a notice that the application has been made, together with a copy of the application and a blank form of particulars in the form set out in the Second Schedule to these Regulations.

(2) The notice sent to the respondent shall also state that he must fill up the form of particulars and, before the date specified in the notice, deliver or send it to the Ministry, and that if he fails to do so the Ministry may give its decision forthwith on the information contained in the form of application.

Power to appoint person to hear application.

5.—(1) As soon as may be after the expiry of the period within which the parties are required to submit particulars and further particulars, if any, the Ministry shall, save as hereinafter provided,

proceed to appoint a person to hear the application and to report to the Ministry thereon, and shall send at least seven days' notice of the date and place fixed for the hearing to the applicant and the respondent and to such of the persons to whom notice of the application was given as have filled up and returned the form of particulars within the prescribed time.

(2) If the question to which the application relates is a question whether a class of employment is or will be employment within the meaning of the Act, the Ministry may, if it thinks fit, in addition, give at least seven days' public notice of the application having been made and of the date and place fixed for the hearing in such manner as the Ministry thinks best adapted for bringing the matter to the notice of persons interested.

Hearing.

6.—(1) The following persons shall be entitled to attend and be heard at the hearing—

(*a*) the applicant;
(*b*) the respondent;
(*c*) any other person
  (i) who, having received notice of the application, has duly returned the form of particulars;
  (ii) who applies to the Ministry not less than three days before the date fixed for the hearing, or at the hearing to the person before whom the hearing takes place, and satisfies the Ministry, or the person before whom the hearing takes place, as the case may be, that he is interested in the application.

(2) Any person entitled to attend or to be heard at the hearing may appear in person, or, with the consent of the Ministry or of the person before whom the hearing takes place—

(*a*) by counsel or by solicitor;
(*b*) by any member of his family;
(*c*) by any person regularly and exclusively employed by him;
(*d*) in the case of a company or corporation, by any director or officer of the company or corporation; or
(*e*) by any officer or member of any society or other body of persons of which the person in question is a member or with which he is connected.

(3) The Ministry or the person before whom the hearing takes place, as the case may be, may adjourn the hearing from time to time as seems fit.

(4) Subject as aforesaid, the procedure at a hearing under these Regulations shall be such as the Ministry or the person before whom the hearing takes place may determine.

Power to require further particulars.

7.—The Ministry may at any time require the applicant or respondent or other person interested in the application to furnish to the Ministry within such time as it may specify such further particulars as it may think necessary.

Power to decide applications summarily or without oral hearing.

8.—(1) If the respondent fails to fill up the form of particulars and to deliver or send it to the Ministry before the date specified in the notice the Ministry may give its decision forthwith on the information contained in the form of application.

(2) If after consideration of the application and the particulars of the respondent and interested parties and of any further particulars which may have been required, the Ministry is of opinion that the question is one which can properly be determined without holding a hearing then, notwithstanding anything in these Regulations, the Ministry may dispense with the holding of a hearing :

Provided that in any such case the Ministry shall before giving its decision send to the applicant a copy of the particulars and further particulars, if any, submitted by the respondent, and to the respondent a copy of the further particulars, if any, submitted by the applicant, and afford to each of them an opportunity of furnishing a written reply thereto or observations thereon.

Notice of decision.

9.—(1) As soon as may be after the determination of any question by the Ministry, it shall cause a memorandum in writing of its decision to be drawn up in the form set out in the Third Schedule to these Regulations, and shall send a copy of the memorandum to the applicant, and shall also take such other steps as appear to it to be necessary for the purpose of making the decision known to persons interested, either by giving public notice of its decision or by sending copies of the memorandum to those persons.

(2) The Ministry shall not be obliged to give any reasons for its decision on any question.

Procedure for revising decisions.

10.—If upon any new facts being brought to the notice of the Ministry, it appears to it that the case is one in which a decision given by it should be reconsidered with a view to revision of the decision under sub-section (4) of Section 161 of the Act, the provisions of these Regulations shall apply, with such modifications, if any, as the circumstances may require, as though an application had been made.

Questions referred by the court.

11.—Where any question is referred to the Ministry under sub-section (2) of Section 176 of the Act for decision in connection with any summary proceedings under the Act, the provisions of these Regulations shall apply, with such modifications, if any, as the circumstances may require, as though an application had been made.

Power to modify requirements.

12.—(1) The Ministry may, if it thinks fit in any particular case, and subject to such conditions as it may impose, extend the period within which anything is required to be done under these Regulations, or dispense with any of the requirements of these Regulations, other than requirements made obligatory by any Statute, provided that it is satisfied that there is reasonable cause for such extension or dispensation and that such extension or dispensation will not prejudice the interests of any person.

(2) Such extension or dispensation may be made or granted notwithstanding that the period within which the thing is required to be done has expired.

Provisions as to sending of notices.

13.—Any notice or other document required or authorised to be sent to any person for the purpose of these Regulations shall be deemed to be duly sent if sent by post addressed to that person at his ordinary address.

Repeal of existing Regulations.

14.—The National Health Insurance (Decision of Questions) Regulations (Northern Ireland), 1924 (S.R. & O. of Northern Ireland, 1924, No. 89), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

SCHEDULES.

FIRST SCHEDULE.

FORM A.

NATIONAL HEALTH INSURANCE ACT, 1936.

FORM OF APPLICATION FOR DETERMINATION OF A QUESTION UNDER SECTION 161 (1) (*a*) OF THE NATIONAL HEALTH INSURANCE ACT, 1936.

Employment or class of employment.

1. FULL NAME AND ADDRESS OF APPLICANT:—

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2. NATURE OF APPLICANT'S INTEREST IN DETERMINATION OF QUESTION (whether interested as EMPLOYER or EMPLOYEE or otherwise):—