



National Insurance Act 1965

1965 CHAPTER 51

PART IV

DETERMINATION OF CLAIMS AND QUESTIONS.

Determination of certain questions by Minister.

64 Certain questions to be determined by Minister.

- (1) Subject to the provisions of this Act, any question arising under this Act—
- (a) whether the contribution conditions for any benefit are satisfied, or otherwise relating to a person's contributions or payments under section 58 of this Act in lieu of 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 this Act not more than one of them is so entitled;
 - (c) as to the class of insured persons in which a person is to be included ;
 - (d) as to the person to be treated as maintaining a child, or as to the family in which a child is to be treated as included, in a case where by virtue of the Schedule to the Family Allowances Act that question falls to be decided by the Minister in his discretion,

shall be determined by the Minister; and a decision of the Minister on any question such as is mentioned in paragraph (d) of this subsection may be given so as to have effect with respect to a period before the date of the decision.

- (2) Subsection (1) of this section shall not apply—
- (a) to any question such as is mentioned in section 67(1)(b) of this Act;
 - (b) to any question to which section 74(1) of this Act applies.
- (3) The Minister may, if he thinks fit, before determining any question such as is mentioned in subsection (1)(a) to (c) of this section, appoint a person to hold an inquiry

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into the question or any matters arising in connection therewith and to report to him thereon.

65 Appeals from Minister's decisions.

- (1) Any question of law arising in connection with the determination by the Minister of any question such as is mentioned in section 64(1)(a) to (c) of this Act may, if the Minister thinks fit, be referred for decision to the High Court.
- (2) In the event of the Minister determining in accordance with subsection (1) of this section to refer any question of law to the High Court, he shall send notice in writing of his intention so to do to the applicant and to any other person appearing to him to be interested therein.
- (3) Any person aggrieved by the decision of the Minister on any question of law such as is mentioned in subsection (1) of this section which is not referred in accordance with that subsection may appeal from that decision to the High Court.
- (4) The Minister shall be entitled to appear and be heard on any such reference or appeal as aforesaid.
- (5) The provision made by rules of court shall include provision for regulating references and appeals to the High Court under this section and for limiting the time within which such appeals may be brought.
- (6) So much of section 63(1) of the Supreme Court of Judicature (Consolidation) Act 1925 as requires an appeal from any person to the High Court to be heard and determined by a divisional court shall not apply to appeals under this section.
- (7) Notwithstanding anything in any Act, the decision of the High Court on a reference or appeal under this section shall be final, and on any such reference or appeal the court may order the Minister to pay the costs of any other person, whether or not the decision is in that other person's favour and whether or not the Minister appears on the reference or appeal.
- (8) In the application of this section to Scotland—
 - (a) for any reference to the High Court there shall be substituted a reference to the Court of Session ;
 - (b) subsection (6) shall be omitted;
 - (c) for the reference in subsection (7) to costs there shall be substituted a reference to expenses.

66 Review of Minister's decisions.

- (1) The Minister may, on new facts being brought to his notice, or if he is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact, review any decision given by him on any question such as is mentioned in section 64(1) (a) to (c) of this Act:

Provided that any such decision shall not be reviewed while an appeal under section 65 of this Act is pending against the decision of the Minister on a question of law arising in connection therewith, or before the time for so appealing has expired ; and the said section 65 shall apply with any necessary modifications to any case in which a question has been raised with a view to the review under this subsection of any such decision as aforesaid.

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- (2) The Minister may at any time and from time to time reconsider the exercise of his discretion with respect to any question such as is mentioned in section 64(1)(d) of this Act and decide that question again with such other effect as may seem to him to be proper in the circumstances of the case.