



Social Security (Northern Ireland) Act 1975

1975 CHAPTER 15

PART III

DETERMINATION OF CLAIMS AND QUESTIONS

Adjudication by insurance officers, local tribunals and Commissioners

97 Adjudicating officials and bodies

- (1) Insurance officers shall be appointed by the Department, subject to the consent of the Department of Finance as to number, to act for such areas or otherwise as the Department directs.
- (2) A local tribunal shall consist of—
 - (a) one member drawn from a panel composed of persons representing employers and persons representing earners other than employed earners ;
 - (b) one member drawn from a panel of persons representing employed earners; and
 - (c) a person appointed by the Department to act as chairman.
- (3) Her Majesty may from time to time appoint for Northern Ireland, from' among persons who are barristers of not less than 10 years' standing, a Chief National Insurance Commissioner and such number of other National Insurance Commissioners as Her Majesty may think fit.
- (4) Schedule 10 to this Act has effect with respect to local tribunals, Commissioners and others officiating or attending for the purposes of this Part of this Act.

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98 Claims and questions to be submitted to insurance officer

- (1) There shall be submitted forthwith to an insurance officer for determination in accordance with section 99 to 104 below—
 - (a) any claim for benefit;
 - (b) subject to subsection (2) below, any question arising in connection with a claim for, or award of, benefit; and
 - (c) any question whether a person would by reason of the provisions of, or of any regulations under, section 20(1) or (2) of this Act have been disqualified for receiving unemployment benefit, sickness benefit or invalidity benefit if he had otherwise had a right thereto.
- (2) Subsection (1) above does not apply—
 - (a) to a question for determination by the Department under section 93 or 95 of this Act, or by the Attendance Allowance Board under section 105(3); or
 - (b) to the disablement questions (section 108) in relation to industrial injuries benefit.
- (3) Different aspects of the same claim or question may be submitted to different insurance officers under the foregoing provisions of this section; and for that purpose those provisions and the other provisions of this Part of this Act with respect to the determination of claims and questions shall apply with any necessary modifications.

99 Decision of insurance officer

- (1) An insurance officer to whom a claim or question is submitted under section 98 shall take it into consideration and, so far as practicable, dispose of it in accordance with this section, and with procedure regulations under section 115, within 14 days of its submission to him.
- (2) Subject to section 103 below (reference of special questions), the insurance officer may in the case of any claim or question so submitted to him—
 - (a) decide it in favour of the claimant; or
 - (b) decide it adversely to the claimant; or
 - (c) refer it to a local tribunal.
- (3) Where an insurance officer refers a case to a local tribunal, notice in writing of the reference shall be given to the claimant.

100 Appeal to local tribunal

- (1) Subject to subsection (3) below, where the insurance officer has decided a claim or question adversely to the claimant, the claimant may appeal to a local tribunal.
- (2) The claimant shall be notified in writing of the insurance officer's decision and the reasons for it, and of his right of appeal under this section.
- (3) Where in connection with the decision of the insurance officer there has arisen—
 - (a) a question for determination by the Department under section 93 or 95 above, or by the Attendance Allowance Board under section 105(3); or
 - (b) either of the disablement questions (section 108) in relation to industrial injuries benefit,

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and the question has been determined and the insurance officer certifies that the decision on that question is the sole ground of his decision, no appeal lies under this section without leave of the chairman of the local tribunal.

- (4) An appeal under this section shall be brought by giving notice of appeal to the Department within 21 days after the date of the decision or within such further time as the chairman of the local tribunal may for good cause allow.
- (5) A notice of appeal under this section shall be in writing and shall contain a statement of the grounds upon which the appeal is made.
- (6) Where the insurance officer has decided any claim or question under Chapter IV or V of Part II of this Act in favour of the claimant and any other person's right to benefit under those Chapters is or may be, under Schedule 9 to this Act (limits on benefit payable in respect of death), affected by that decision, that other person shall have the like right of appeal to a local tribunal as the claimant would have had if the claim or question had been decided adversely to him.

101 Appeal from local tribunal to Commissioner

- (1) Subject to the provisions of this section, an appeal lies to a Commissioner from any decision of a local tribunal.
- (2) The persons at whose instance an appeal lies under this section are—
 - (a) an insurance officer ;
 - (b) the claimant;
 - (c) in any of the cases mentioned in subsection (3) below, a trade union ; and
 - (d) in a case relating to industrial injuries benefit, a person whose right to benefit is or may be, under Schedule 9 to this Act, affected by the decision appealed against.
- (3) The following are the cases in which an appeal lies at the instance of a trade union—
 - (a) where the claimant is a member of the union at the time of the appeal and was so immediately before the question at issue arose ;
 - (b) where that question in any way relates to a deceased person who was a member of the union at the time of his death;
 - (c) where the case relates to industrial injuries benefit and the claimant or, in relation to industrial death benefit, the deceased was a member of the union at the time of the relevant accident.
- (4) Subsections (2) and (3) above, as they apply to a trade union, apply also to any other association which exists to promote the interests and welfare of its members.
- (5) An appeal to a Commissioner must be brought within 3 months from the date of the decision of the local tribunal, or such further period as a Commissioner may in any case for special reasons allow; and such an appeal shall be brought by giving notice in writing in a form approved by the Department stating the grounds of the appeal—
 - (a) in the case of an appeal by an insurance officer, to the claimant; and
 - (b) in the case of an appeal by the claimant, or a trade union or other association mentioned above, to an insurance officer.
- (6) If it appears to a Commissioner that an appeal under this section involves a question of fact of special difficulty, the Commissioner may direct that in dealing with the appeal or any part of it he shall have the assistance of an assessor or assessors.

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- (7) A Commissioner may, if he thinks fit, refer any question arising for his decision to a medical practitioner for examination and report.

102 Questions first arising on appeal

- (1) Where a question under this Act first arises in the course of an appeal to a local tribunal or a Commissioner, the tribunal or Commissioner may, if they think fit, proceed to determine the question notwithstanding that it has not been considered by an insurance officer.
- (2) This section does not apply to a question for determination by the Department under section 93 or 95 of this Act, or by the Attendance Allowance Board under section 105(3), or to the disablement questions (section 108) in relation to industrial injuries benefit.

103 Reference of special questions

- (1) The following subsections apply if on consideration of any claim or question an insurance officer is of opinion that there arises—
- (a) a question for determination by the Department under section 93 or 95 of this Act, or by the Attendance Allowance Board under section 105(3); or
 - (b) either of the disablement questions (section 108) in relation to industrial injuries benefit.
- (2) Subject to subsection (3) below, the insurance officer shall—
- (a) refer the question so arising for determination by the Department or by the Attendance Allowance Board, or in accordance with section 108 below, as the case may require; and
 - (b) deal with any other questions as if the question so referred had not arisen.
- (3) The insurance officer may—
- (a) postpone the reference of, or dealing with, any question until other questions have been determined;
 - (b) in cases where the determination of any question disposes of a claim or any part of it, make an award, or decide that an award cannot be made, as to the claim or that part of it without referring or dealing with, or before the determination of, any other question.
- (4) Subsections (2) and (3) above apply to a local tribunal and a Commissioner as they apply to an insurance officer, except that a tribunal or Commissioner shall, instead of referring a question in accordance with subsection (2)(a), direct it to be so referred by an insurance officer.

104 Review of decisions

- (1) Any decision under this Act of an insurance officer, a local tribunal or a Commissioner may be reviewed at any time by an insurance officer or, on a reference from an insurance officer, by a local tribunal, if—
- (a) the officer or tribunal is satisfied and, in the case of a decision of a Commissioner, satisfied by fresh evidence, that the decision was given in ignorance of, or was based on a mistake as to, some material fact; or

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- (b) there has been any relevant change of circumstances since the decision was given ; or
 - (c) the decision was based on the decision of—
 - (i) a question for determination by the Department under section 93 or 95, or by the Attendance Allowance Board under section 105(3), or
 - (ii) either of the disablement questions (section 108) in relation to industrial injuries benefit,and the decision of that question is revised under section 95(2) or 96 (Department) or section 106 (Attendance Allowance Board) or section 110 (medical board).
- (2) A question may be raised with a view to a review under this section by means of an application in writing to an insurance officer, stating the grounds of the application.
- (3) On receipt of any such application, the insurance officer shall proceed to deal with or refer any question arising thereon in accordance with sections 99 to 101.
- (4) A decision given on a review under this section, and a refusal to review a decision thereunder, shall be subject to appeal in like manner as an original decision, and sections 99 to 101 shall, with the necessary modifications, apply in relation to a decision given on such a review as they apply to the original decision of a question.