



Social Security (Northern Ireland) Act 1975

1975 CHAPTER 15

PART IV

GENERAL PROVISIONS AS TO OPERATION AND ADMINISTRATION OF THIS ACT

Enforcement

135 Appointment and powers of inspectors

- (1) For the purposes of this Act, the Department may appoint such inspectors, and pay to them such salaries or remuneration, as it may determine with the consent of the Department of Finance.
- (2) An inspector appointed under this section shall, for the purposes of the execution of this Act, have the following powers—
 - (a) to enter at all reasonable times any premises liable to inspection under this Act;
 - (b) to make such examination and inquiry as may be necessary—
 - (i) for ascertaining whether the provisions of this Act are being, or have been, complied with in any such premises, or
 - (ii) for investigating the circumstances in which any injury or disease which has given or may give rise to a claim for industrial injuries benefit was or may have been received or contracted;
 - (c) to examine, either alone or in the presence of any other person, as he thinks fit, in relation to any matters under this Act on which he may reasonably require information, every person whom he finds in any such premises or whom he has reasonable cause to believe to be or to have been a person liable to pay contributions under this Act, and to require every such person to be so examined;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (d) to exercise such other powers as may be necessary for carrying this Act into effect.
- (3) The premises liable to inspection under this Act are any where an inspector has reasonable ground for supposing that—
 - (a) any persons are employed ; or
 - (b) there is being carried on any agency or other business for the introduction or supply to persons requiring them of persons available to do work or to perform services ;
 but do not include any private dwelling-house not used by, or by permission of, the occupier for the purposes of a trade or business.
- (4) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises for the purposes of this Act shall, if so required, produce the certificate.
- (5) Where any premises are liable to be inspected by an inspector or officer appointed or employed by, or are under the control of, some other government department, the Department may make arrangements with that department for any of the powers or duties of inspectors under this Act to be carried out by an inspector or officer employed by that department; and, where such an arrangement is made, such inspectors or officers shall have all the powers of an inspector under this Act.
- (6) In this section and section 136 below " premises " includes any place ; and in subsection (2)(b) and (c) above the references to this Act include the former principal Act and the former Industrial Injuries Act.

136 Duty to submit to inspection

- (1) In accordance with this section, persons shall furnish to an inspector all such information, and produce for his inspection all such documents, as he may reasonably require for the purpose of ascertaining—
 - (a) whether any contributions under this Act are or have been payable, or have been duly paid, by or in respect of any person; or
 - (b) whether benefit is or was payable to or in respect of any person.
- (2) The following persons are under the duty imposed by subsection (1) above—
 - (a) the occupier of any premises liable to inspection under this Act;
 - (b) any person who is or has been employing another;
 - (c) any person carrying on an agency or other business for the introduction or supply to persons requiring them of persons available to do work or perform services ;
 - (d) the servants or agents of any such person as is specified in paragraph (a), (b) or (c) above ; and
 - (e) any person who is or has been liable to pay such contributions;
 but no one shall be required under this section to answer any questions or to give any evidence tending to incriminate himself or, in the case of a person who is married, his or her spouse.
- (3) If a person—
 - (a) wilfully delays or obstructs an inspector in the exercise of any power under this Act; or

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(b) refuses or neglects to answer any question or to furnish any information or to produce any document when required so to do under this Act;
he shall be liable on summary conviction to a fine not more than £50.

(4) Where a person is convicted of an offence under subsection (3)(b) above and the refusal or neglect is continued by him after his conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not more than £10 for each day on which it is so continued.

137 Offences and penalties

(1) If a person fails to pay, at or within the time prescribed for the purpose, any contribution which he is liable under Part I of this Act to pay, he shall be liable on summary conviction to a fine not more than £50.

(2) Subsection (1) above does not apply to Class 4 contributions recoverable by the Inland Revenue.

(3) If a person—

- (a) buys, sells or offers for sale, takes or gives in exchange or pawns or takes in pawn a contribution card or a used contribution stamp ; or
- (b) affixes a used contribution stamp to a contribution card; or
- (c) for the purpose of obtaining any benefit or other payment under this Act, whether for himself or some other person, or for any other purpose connected with this Act—
 - (i) knowingly makes any false statement or false representation, or
 - (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

he shall be liable on summary conviction to a fine not more than £400, or to imprisonment for a term not more than 3 months, or to both.

(4) In this Act " contribution card " means any card issued under regulations for the purpose of payment of contributions by affixing stamps to it; and in any proceedings under subsection (3) above with respect to used stamps a stamp shall be deemed to have been used if it has been affixed to a contribution card or cancelled or defaced in any way whatsoever and whether or not it has actually been used for the payment of a contribution.

(5) Subject to other express provisions of this Act, regulations may provide for the recovery on summary conviction of penalties for offences under this Act of contravening or failure to comply with regulations; but penalties so provided shall not exceed—

- (a) for any one offence, £50 ; or
- (b) for an offence of continuing any such contravention or failure after conviction, £10 for each day on which it is so continued;

but this subsection does not apply to a contravention of, or failure to comply with, regulations requiring a person to submit himself to medical treatment.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

138 General provisions as to prosecutions

- (1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Department or by an inspector or other officer authorised for that purpose by special or general directions of the Department.
- (2) An inspector or other officer so authorised may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court any proceedings for such an offence.
- (3) Notwithstanding any enactment prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Department to justify a prosecution for the offence, comes to its knowledge, or within the period of 12 months after the commission of the offence, whichever period last expires.

For the purposes of this subsection, a certificate purporting to be signed by the Head of the Department or a secretary or assistant secretary of the Department as to the date on which the evidence in question came to the knowledge of the Department is conclusive evidence of the date on which it did so.

- (4) In proceedings for an offence under this Act, the wife or husband of the accused is competent to give evidence, whether for or against the accused :

Provided that the wife or husband is not compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him by the accused during the marriage.

- (5) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

Where the affairs of a body corporate are managed by its members, this paragraph applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

139 Questions arising in proceedings

- (1) Where in any proceedings—
 - (a) for an offence under this Act; or
 - (b) involving any question as to the payment of contributions under Part I (other than a Class 4 contribution recoverable by the Inland Revenue); or
 - (c) for the recovery of any sums due to the Department or the National Insurance Fund,

any such question arises as is mentioned in section 93(1) of this Act, the decision of the Department shall be conclusive for the purposes of the proceedings.

- (2) If a decision of any such question is necessary for the determination of proceedings, and the decision of the Department has not been obtained or a question has been raised with a view to a review of the decision obtained, the question shall be referred to the Department for determination or review in accordance (subject to any necessary modifications) with Part III of this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) Subsection (1) above does not apply if an appeal under section 94 is pending, or the time for appealing has not expired, or a question has been raised with a view to a review of the Department's decision; and the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.