



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART II

ADJUDICATION

Adjudication by the Department

15 Questions for the Department.

- (1) Subject to this Part of this Act, any of the following questions shall be determined by the Department—
- (a) a question whether a person is an earner and, if he is, as to the category of earners in which he is to be included;
 - (b) subject to subsection (2) below, a question whether the contribution conditions for any benefit are satisfied, or otherwise relating to a person's contributions or his earnings factor;
 - (c) a question whether a Class 1A contribution is payable or otherwise relating to a Class 1A contribution;
 - (d) a question whether a person is or was employed in employed earner's employment for the purposes of Part V of the Contributions and Benefits Act;
 - (e) a question as to whether a person was, within the meaning of regulations, precluded from regular employment by responsibilities at home;
 - (f) any question as to which surpluses are to be taken into account under section 45(1) of the Contributions and Benefits Act;
 - (g) any question arising under any provision of Part XI of the Contributions and Benefits Act or this Act, or under any provision of regulations under that Part, as to—
 - (i) whether a person is, or was, an employee or employer of another;

Status: Point in time view as at 01/07/1992.

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- (ii) whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under section 154 of the Contributions and Benefits Act;
 - (iii) whether a payment falls to be made to an employer in accordance with the regulations;
 - (iv) the amount that falls to be so deducted or paid;
 - (v) the amount of an employer's contributions payments for any period for the purposes of regulations under section 154(3) of the Contributions and Benefits Act; or
 - (vi) whether two or more employers or two or more contracts of service are, by virtue of regulations made under section 159(5) of that Act, to be treated as one; and
- (h) any question arising under any provision of Part XII of that Act or this Act, or under any provision of regulations under that Part, as to—
- (i) whether a person is, or was, an employee or employer of another;
 - (ii) whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under section 163 of the Contributions and Benefits Act;
 - (iii) whether a payment falls to be made to an employer in accordance with the regulations;
 - (iv) the amount that falls to be so deducted or paid; or
 - (v) whether two or more employers or two or more contracts of service are, by virtue of regulations made under section 167(2) of that Act, to be treated as one,
- and any question arising under regulations made by virtue of paragraph (c), (d) or (f) of section 160(9) of that Act.
- (2) Subsection (1)(b) above includes any question arising—
- (a) under section 17(1) of the Contributions and Benefits Act as to whether by regulations under that subsection a person is excepted from liability for Class 4 contributions, or his liability is deferred; or
 - (b) under regulations made by virtue of section 17(3) or (4) or 18 of that Act;
- but not any other question relating to Class 4 contributions, nor any question within section 18(1)(c) below.
- (3) Regulations may make provision restricting the persons who may apply to the Department for the determination of any such question as is mentioned in subsection (1) above.
- (4) The Department may, if it thinks fit, before determining any such question as is mentioned in subsection (1) above, appoint a person to hold an inquiry into the question, or any matters arising in connection with it, and to report on the question, or on those matters, to the Department.

Modifications etc. (not altering text)

- C1** S. 15 applied (7.2.1994) by 1993 c. 49, s. 166(2); S.R. 1994/17, art. 2
- C2** S. 15(1) extended (7.2.1994) by 1993 c. 49, s.165(1); S.R. 1994/17, art. 2
- S. 15(1) excluded (7.2.1994) by 1993 c. 49, ss.165(4); S.R. 1994/17, art. 2

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16 Appeal on question of law.

- (1) A question of law arising in connection with the determination by the Department of any such question as is mentioned in section 15(1) above may, if the Department thinks fit, be referred for decision to the Court of Appeal.
- (2) If the Department determines in accordance with subsection (1) above to refer any question of law to the court, it shall give notice in writing of its intention to do so—
 - (a) in a case where the question arises on an application made to the Department, to the applicant; and
 - (b) in any case to such persons as appear to it to be concerned with the question.
- (3) Any person aggrieved by the decision of the Department on any question of law within subsection (1) above which is not referred in accordance with that subsection may appeal from that decision to the court.
- (4) The Department shall be entitled to appear and be heard on any such reference or appeal.
- (5) Rules of court may include provision for regulating references and appeals to the court under this section.
- (6) Notwithstanding anything in any Act, the decision of the court on a reference or appeal under this section shall be final.

Modifications etc. (not altering text)

- C3** S. 16 applied (7.2.1994) by 1993 c. 49, s. 166(2); S.R. 1994/17, art. 2
s. 16 modified (6.4.1996 for certain purposes otherwise 6.4.1997) by 1993 c. 49, s. 165(7)(8) as added by S.I. 1995/3213 (N.I. 22), art. 147, Sch. 3 para. 60(3); S.R. 1996/91, art. 2, Sch. Pt. IV; S.R. 1997/192, art. 2

17 Review of decisions.

- (1) Subject to subsection (2) below, the Department may review any decision given by it on any such question as is mentioned in section 15(1) above, if—
 - (a) new facts have been brought to its notice; or
 - (b) it is satisfied that the decision—
 - (i) was given in ignorance of some material fact;
 - (ii) was based on a mistake as to some material fact; or
 - (iii) was erroneous in point of law.
- (2) A decision shall not be reviewed while an appeal under section 16 above is pending against the decision of the Department on a question of law arising in connection with it, or before the time for so appealing has expired.
- (3) On a review any question of law may be referred under subsection (1) of section 16 above or, where it is not so referred, may be the subject of an appeal under subsection (3) of that section, and the other provisions of that section shall apply accordingly.

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Modifications etc. (not altering text)

- C4** S. 17 applied (7.2.1994) by 1993 c. 49, s. 166(2); S.R. 1994/17, art. 2
- S. 17 modified (6.4.1996 for certain purposes, otherwise 6.4.1997) by 1993 c. c. 49, s. 165(7)(8) as added by S.I. 1995/3213 (N.I. 22), art. 147, Sch. 3 para. 60(c); S.R. 1996/91, art. 2, Sch. Pt. IV; S.R. 1997/192, art. 2

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