



National Insurance Act 1965

1965 CHAPTER 51

PART IV

DETERMINATION OF CLAIMS AND QUESTIONS.

Regulations as to determination of questions.

73 Regulations for determination of questions.

- (1) Notwithstanding the provisions of sections 64 to 72 but subject to any other provision of this Act, in the case of any question arising under or in connection with this Act, including any claim for benefit, other than a question such as is mentioned in section 64(1)(d) of this Act, provision may be made by regulations for the determination of that question by the Minister or by a person or tribunal appointed or constituted in accordance with the regulations; and any such regulations may vary or revoke the provisions of sections 64, 65(1) to (4), 66 to 72 and 77 of this Act so far as they relate to any question to which the regulations relate.
- (2) As respects any question as to the right to benefit other than such a question as is mentioned in section 64(1) or 74(1) of this Act and other than a question as to entitlement to a death grant, regulations under subsection (1) of this section shall not provide for the determination of that question by the Minister but, subject to subsection (3) of this section, shall provide—
 - (a) for the submission of the question in the first instance to an officer appointed by the Minister;
 - (b) for authorising the said officer either himself to determine the question or to refer it to a local tribunal, and for enabling an appeal to be brought from the officer's decision to such a tribunal;
 - (c) for enabling an appeal to be brought from such a tribunal to, or to a tribunal presided over by, the National Insurance Commissioner or a deputy Commissioner appointed under section 78 of this Act.
- (3) Regulations made by virtue of subsection (2) of this section may provide for the submission of different aspects of the same question to different officers; and for

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that purpose paragraphs (a) and (b) of that subsection shall have effect subject to the necessary modifications.

- (4) Regulations under subsection (1) of this section may provide for the reference to the High Court for decision of any question of law arising in connection with the determination of a question by the Minister, and for appeals to the High Court from the decision of the Minister on any such question of law; and subsections (5) to (8) of section 65 of this Act shall apply to any reference or appeal under this subsection as they apply to any reference or appeal under subsections (1) to (3) of that section.
- (5) In the application of subsection (4) of this section to Scotland, for references to the High Court there shall be substituted references to the Court of Session.

74 Determination of questions under Part III.

- (1) Regulations under section 73(1) of this Act shall provide—
- (a) for the determination by an officer appointed by the Minister (hereafter in this section referred to as "the registrar") of any question whether an employment is to be treated as a non-participating employment, or as to the persons in relation to whom or the period for which it is to be so treated, and for the issue, variation and cancellation by the registrar of the certificates under section 56 of this Act specifying the employments which are to be so treated ;
 - (b) for enabling any such question, instead of being determined as aforesaid, to be referred to an adjudicator (being a barrister or advocate of not less than ten years' standing) appointed for the purposes of Part III of this Act, and for enabling appeals to be brought to such an adjudicator from decisions of the registrar;
 - (c) for enabling the functions of the registrar to be exercised by officers appointed to act as his deputies by the Minister, and for enabling an adjudicator to have the assistance of one or more assessors in dealing with a case.
- (2) Regulations may also make provision for any incidental matters connected with the operation of the provisions of this Act relating to non-participating employments, including the information which may be required from any person, and in particular shall provide—
- (a) for enabling the registrar to cancel or vary any such certificate as aforesaid where he has reason to suppose that any employments to which it relates ought not to be treated as non-participating employments in accordance with the certificate and the employer does not show that they ought;
 - (b) for regulating the manner in which employers are to make or revoke an election with a view to the issue, variation, cancellation or surrender of such a certificate, and requiring them to give notice for the purpose of informing employed persons and others of their intention to do so;
 - (c) for enabling the registrar to defer the issue or variation of such a certificate so as to enable the relevant election to be further considered in the light of any representations made by persons to whom notice of the election is required by regulations to be given or by organisations representing any such persons ;
 - (d) for requiring employers (except in such cases as may be prescribed) to give notice to the Minister when a person's period of service in a non-participating employment begins or comes to an end.
- (3) Any appointment for the purposes of Part III of this Act of an adjudicator, as required by subsection (1) of this section, shall be made by the Lord Chancellor, after

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consultation, if the person appointed is an advocate, with the Lord President of the Court of Session.