



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.

- (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.

Determination of certain matters by insurance officers, local tribunals or Commissioner.

67 Certain questions to be determined by insurance officers, local tribunal or Commissioner.

- (1) Subject to the provisions of this Act, any question arising under this Act—
- (a) as to the right to benefit; or
 - (b) whether a person would by reason of the provisions of, or of any regulations made under, section 22(2) or (3) of this Act have been disqualified for receiving either unemployment benefit or sickness benefit if he had otherwise had a right thereto,
- shall be determined in accordance with the provisions of sections 68 to 72 of this Act by an insurance officer, a local tribunal constituted under section 77 of this Act or the National Insurance Commissioner.
- (2) Subsection (1)(a) of this section shall not apply to any question to which section 64(1) or 74(1) of this Act applies.

68 Submission of claims and questions to insurance officers.

- (1) Insurance officers for the purposes of this Act shall be appointed by the Minister, subject to the consent of the Treasury as to number, to act for such areas or otherwise as the Minister directs, and may include officers of the Ministry of Labour appointed with the concurrence of the Minister of Labour and officers of the National Assistance Board appointed with the concurrence of that Board.
- (2) Any claim for benefit under this Act and any question to which section 67(1) of this Act applies shall be submitted forthwith to an insurance officer, who shall take the claim or question into consideration and, so far as practicable, dispose of it in accordance with this section and any regulations under section 75(2) of this Act within fourteen days of its submission to him.
- (3) Subject to section 71 of this Act, 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.
- (4) Where an insurance officer refers a case to a local tribunal in accordance with subsection (3)(c) of this section, notice in writing of the reference shall be given to the claimant.
- (5) 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 have effect subject to any necessary modifications.

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69 Appeals from insurance officer to local tribunal.

- (1) Where the insurance officer has decided any claim or question adversely to the claimant, the claimant may appeal to a local tribunal, and the claimant shall be notified in writing of the decision and the reasons therefor and of his right of appeal under this section:

Provided that where any question to which section 64(1) of this Act applies has arisen in connection with the decision of the insurance officer, and has been determined, and the insurance officer certifies that the decision on that question is the sole ground of his decision, no appeal shall lie without leave of the chairman of the local tribunal.

- (2) An appeal against a decision of an insurance officer shall be brought by giving notice of appeal at a local office within twenty-one days after the date of that decision or within such further time as the chairman of the local tribunal may for good cause allow.
- (3) 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.
- (4) In this and the next following section, the expression "local office" means any office appointed by the Minister as a local office for the purposes of this Act.

70 Appeals from local tribunal to National Insurance Commissioner.

- (1) Subject to the provisions of this section, an appeal shall lie to the National Insurance Commissioner from any decision of a local tribunal at the instance of—
- (a) an insurance officer;
 - (b) the claimant;
 - (c) an association of employed persons, or any other association which exists to promote the interests and welfare of its members, where in either case—
 - (i) the claimant at the time of the appeal is a member of the association and was so immediately before the question at issue arose; or
 - (ii) the question at issue relates to the right to benefit by virtue of the insurance of a deceased person, and that person was a member of the association at the time of his death.
- (2) An appeal to the Commissioner must be brought within three months from the date of the decision of the local tribunal, or such further period as the 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 Minister 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 an association such as is mentioned in subsection (1)(c) of this section, at a local office.
- (3) If it appears to the Commissioner that any appeal under this section involves a question of law of special difficulty, he may direct that the appeal shall be dealt with, not by the Commissioner alone, but by a tribunal consisting of any three of the Commissioner and the deputy Commissioners appointed under section 78 of this Act; and if the decision of any such tribunal is not unanimous, the decision of the majority shall be the decision of the tribunal.
- (4) If it appears to the Commissioner that any 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 thereof he shall have the assistance of an assessor or assessors specially qualified and selected from a panel appointed for that purpose.

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

71 Reference of special questions.

- (1) If on consideration of any claim or question an insurance officer is of opinion that there arises any question to which section 64(1) of this Act applies, he shall—
- (a) refer the latter question for determination in accordance (subject to any necessary modifications) with sections 64 to 66 of this Act; and
 - (b) deal with any other questions as if the question so referred had not arisen:

Provided that the insurance officer may—

- (i) postpone the reference of or dealing with any question until other questions have been determined;
 - (ii) in cases where the determination of any question disposes of a claim or any part thereof, make an award, or decide that an award cannot be made, as to the claim or that part thereof without referring or dealing with, or before the determination of, any other question.
- (2) Subsection (1) of this section shall apply to a local tribunal and the Commissioner as it applies to an insurance officer, except that a local tribunal or the Commissioner, instead of themselves or himself referring a question in accordance with subsection (1) (a) of this section, shall direct it to be so referred by an insurance officer.

72 Review of decisions of insurance officer, local tribunal or Commissioner.

- (1) Any decision under sections 67 to 70 of this Act of an insurance officer, a local tribunal or the National Insurance 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) he or they is or are satisfied, and, in the case of a decision of the 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
 - (b) there has been any relevant change of circumstances since the decision was given; or
 - (c) the decision was based on the decision of any question to which section 64(1) of this Act applies, and the decision of that question is revised in accordance with the provisions of section 66 of this Act.
- (2) A question may be raised with a view to such a review as aforesaid 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 the provisions of the said sections 67 to 70.
- (4) Any decision given on a review under this section, and any refusal to review a decision under this section, shall be subject to appeal in like manner as an original decision, and the provisions of the said sections 67 to 70 shall, subject to the necessary modifications, apply in relation to any decision given on such a review as they apply to the original decision of a question.

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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 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

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

Supplementary provisions as to determination of claims and questions.

75 Supplementary provisions.

- (1) Subject to the provisions of sections 64 to 72 of this Act, the decision of any claim or question in accordance with those provisions, and, subject to the provisions of any regulations under section 73 of this Act, the decision of any claim or question in accordance with the provisions of those regulations, shall be final.
- (2) Subject to the other provisions of this Part of this Act, regulations may, in relation to the determination of claims or questions in accordance with sections 64 to 72 or with regulations under section 73 of this Act, include provision—
- (a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence;
- (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision or for producing any evidence;

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(c) for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses;
 and except so far as it may be applied in relation to England and Wales by regulations made by virtue of this subsection the Arbitration Act 1950 shall not apply to any proceedings under sections 64 to 74 of this Act.

(3) It is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not.

76 Determination of certain questions as to child or family.

- (1) Where any question such as is mentioned in subsection (3) of this section arises with respect to benefit under this Act (other than such a question as is mentioned in section 64(1)(d) thereof), that question shall be determined in accordance with the provisions of sections 67 to 73 of this Act in like manner, subject to any prescribed modifications and adaptations, as a corresponding question arising in respect of an allowance under the Family Allowances Act falls to be determined by virtue of section 5(2) of that Act.
- (2) Any decision of any question such as is mentioned in subsection (3)(a) to (c) of this section given under this Part of this Act, whether given for the purposes of this Act, the Industrial Injuries Act or the Family Allowances Act, shall have effect also for the purposes of the others of those Acts.
- (3) The questions referred to in subsections (1) and (2) of this section are questions—
- (a) whether any person is or was a child or is or was under school leaving age ;
 - (b) whether any person has or had a family including a child or children, or is or was a child of some other person's family (but not whether a person is to be treated for the purpose of any provision of this Act as having a family including a child or children or as being a child of some other person's family);
 - (c) whether any person could have been treated under paragraph 3 of the Schedule to the Family Allowances Act as, or but for certain facts would have been, or could have been treated as aforesaid as, a child of any other person's family ;
 - (d) whether, for the purposes of the payment to a beneficiary of any benefit under this Act in respect of a child, the child in question is living with the beneficiary.

Provisions as to local tribunals, Commissioner, etc.

77 Constitution of local tribunals.

- (1) A local tribunal for the purposes of sections 67 to 72 of this Act shall consist of—
- (a) one member drawn from a panel composed of persons representing employers and persons representing insured persons other than employed persons;
 - (b) one member drawn from a panel of persons representing employed persons;
 - (c) a person appointed by the Minister to act as chairman.
- (2) The panels referred to in subsection (1) of this section shall be constituted by the Minister for the whole of Great Britain, and each panel shall relate to such area as the Minister thinks fit, and be composed of such persons as the Minister sees fit to appoint.

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- (3) Before appointing members to either of the panels, the Minister may take into consideration any recommendation from a local advisory committee constituted under section 89 of this Act or from any other local committee representing employers or insured persons or both, or from organisations concerned with the interests of employers or insured persons, including friendly societies or organisations representative of friendly societies.
- (4) The members of the panels shall hold office for such period as the Minister may direct:
Provided that the Minister may at any time terminate the appointment of any member of a panel.
- (5) So far as practicable, each member of a panel shall be summoned to serve in turn upon a local tribunal:
Provided that—
- (a) no member of a panel shall sit upon a local tribunal during the consideration of a case—
 - (i) in which he appears as the representative of the claimant; or
 - (ii) by which he is or may be directly affected ; or
 - (iii) in which he has taken any part as an official of an association, or as an employer, or as a witness, or as a person to whom any question arising thereon has been referred for examination and report in accordance with section 64(3) or with regulations under section 73(1) of this Act or otherwise;
 - (b) where the benefit claimed is unemployment benefit, the member chosen from the first panel shall, if practicable, be a representative of employers; and
 - (c) in any case in which the claimant is a woman, at least one of the members of the tribunal, if practicable, shall be a woman.
- (6) Any case may, with the consent of the claimant but not otherwise, be proceeded with in the absence of any member of the local tribunal other than the chairman, and in any such case the tribunal shall be deemed to be properly constituted and the chairman shall, if the number of the members of the tribunal is an even number, have a second or casting vote.
- (7) A person appointed to act as chairman of a local tribunal shall hold and vacate office in accordance with the terms of his letter of appointment.
- (8) Where several persons are appointed to act as chairmen for a particular area they shall as far as practicable be invited to preside over a tribunal in turn:
Provided that this subsection shall not apply to a person expressly appointed to serve as a substitute when some other person may be unwilling or unable to act.

78 National Insurance Commissioner and deputy Commissioners.

- (1) The National Insurance Commissioner shall be appointed by Her Majesty, and Her Majesty may appoint for the purposes of this Act such number of deputy Commissioners as Her Majesty thinks fit.
- (2) The Commissioner and deputy Commissioners shall be barristers or advocates of not less than ten years' standing.

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- (3) Unless the context otherwise requires, any reference in this Act to the National Insurance Commissioner shall include a reference to a deputy Commissioner and to any tribunal constituted under section 70(3) of this Act.

79 Pension benefits of Commissioner and deputy Commissioners.

- (1) Without prejudice to the pension benefits conferred by the Administration of Justice (Pensions) Act 1950, the Minister may from time to time recommend to the Treasury that there shall be paid out of moneys provided by Parliament to the National Insurance Commissioner or any deputy Commissioner appointed under section 78 of this Act an annual sum by way of superannuation allowance calculated in accordance with Schedule 6 to this Act if either—
- (a) he is at the time of his retirement over the age of seventy two or, where he retires after fifteen years' service, the age of sixty-five ; or
 - (b) the Minister is satisfied by means of a medical certificate that at the time of his retirement he is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (2) For the purposes of the foregoing subsection and the said Schedule 6—
- (a) service as National Insurance Commissioner or deputy Commissioner which is not remunerated by means of a salary shall be disregarded;
 - (b) service as deputy Commissioner shall, subject to the foregoing paragraph, count (in the case of a person retiring as National Insurance Commissioner) as service as National Insurance Commissioner;
 - (c) the Treasury may by regulations provide for counting as service as National Insurance Commissioner or as deputy Commissioner pensionable service in any other capacity under the Crown.
- (3) The decision of the Treasury shall be final on any question arising as to—
- (a) the amount of any superannuation allowance under this section; or
 - (b) the reckoning of any service for the purpose of calculating such an allowance.
- (4) Where the rate of the superannuation allowance payable to any person under subsection (1) of this section as National Insurance Commissioner or deputy Commissioner is or would be increased by virtue of regulations made under subsection (2)(c) of this section in respect of service in some other capacity, and a pension payable to him wholly in respect of service in that other capacity would have been paid and borne otherwise than out of moneys provided by Parliament, any pension benefits paid to or in respect of him as having been Commissioner or deputy Commissioner shall, to such extent as the Treasury may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in like manner as that in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.
- (5) In this section, the expression " pension" includes any superannuation or other retiring allowance or gratuity, and the expression " pensionable " shall be construed accordingly, and the expression " pension benefits " includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person's service or employment to other persons by way of widow's or orphan's pension or otherwise.

80 Remuneration and expenses of Commissioner and other persons.

- (1) The Minister shall pay to the National Insurance Commissioner and any deputy Commissioner appointed under this Act such salary or other remuneration as the Treasury may determine and such expenses incurred in connection with the work of the Commissioner, a deputy Commissioner or any tribunal presided over by the Commissioner or a deputy Commissioner as may be so determined.
- (2) The Minister may pay—
 - (a) to any other person appointed under the foregoing provisions of this Part of this Act to determine questions or as a member of or assessor to any tribunal constituted under those provisions, such remuneration and such travelling and other allowances,
 - (b) to any person required to attend at any proceedings under this Part of this Act, such travelling and other allowances, and
 - (c) such other expenses in connection with the work of any person or tribunal appointed or constituted under any provision of this Part of this Act (other than a tribunal presided over by the Commissioner or a deputy Commissioner),
as the Minister with the consent of the Treasury may determine.
- (3) The Minister may pay to any person required under this Act (whether for the purposes of the foregoing provisions of this Part of this Act or otherwise) to attend for or to submit himself to medical or other examination or treatment such travelling and other allowances as the Minister with the consent of the Treasury may determine.
- (4) In this section references to travelling and other allowances include references to compensation for loss of remunerative time :

Provided that such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this section.

81 Recovery of benefit wrongly paid, interim payments of benefit, and arrears.

- (1) Where benefit is or has been paid in pursuance of a decision which is reversed or varied on appeal, or is revised on a review, then, subject to subsection (2) of this section, the decision given on the appeal or review shall require repayment to the National Insurance Fund of any benefit paid in pursuance of the original decision to the extent to which it—
 - (a) would not have been payable if the decision on the appeal or review had been given in the first instance; and
 - (b) is not directed to be treated as paid on account of the benefit awarded by the decision on appeal or review, or as having been properly paid.
- (2) A decision given on appeal or review shall not require repayment of benefit paid in pursuance of the original decision in any case where it is shown to the satisfaction of the person or tribunal determining the appeal or review that in the obtaining and receipt of the benefit the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment.
- (3) Regulations may make provision as respects matters arising—
 - (a) pending the determination under this Act (whether in the first instance or on an appeal or reference, and whether originally or on review) of any claim for benefit or of any question affecting any person's right to benefit or to the receipt thereof or any person's liability for contributions ; or

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- (b) out of the revision on appeal or review of any decision under this Act on any such claim or question.
- (4) Without prejudice to the generality of subsection (3) of this section, regulations thereunder may include provision—
- (a) as to the date from which any decision on a review is to have effect or to be deemed to have had effect;
 - (b) for treating any benefit paid to any person under an award, or by virtue of any provision of the regulations, which it is subsequently decided was not payable, as properly paid or as paid on account of any other benefit which it is decided was payable to him, or for the repayment of any such benefit and the recovery thereof by deduction from other benefit or otherwise;
 - (c) modifying subsections (1) and (2) of this section in relation to sums paid by way of benefit in respect of a child of the family of a man and his wife living together where those sums would have been receivable, if properly paid, by either the man or the wife;
 - (d) making any such provision for the recovery of sums paid by way of benefit and required to be repaid by virtue of subsection (1) of this section as is authorised to be made in a case where repayment is required by the regulations.
- (5) Where in the case of any sums paid by way of benefit before 26th February 1962—
- (a) the decision in pursuance of which they were paid was before that date reversed or varied on an appeal, or revised on a review, in such a way that those sums or any part of them would not have been payable if the decision on appeal or review had been given in the first instance; and
 - (b) that decision on appeal or review is itself reversed or varied on an appeal, or revised on a review, under this Act,
- any question arising on the appeal or review under this Act as to the repayment of those sums or that part of them shall be determined in accordance with the provisions as to repayment in force immediately before that date.
- (6) Where, in the case of any person, any sum may by virtue of regulations under subsection (3) of this section be recovered by deduction from benefit under this Act, it may instead be recovered from him in whole or in part by deduction from any payment under the Industrial Injuries Act, and any amount so recovered shall be paid to the National Insurance Fund.
- (7) Regulations may provide for unemployment benefit of which repayment is required by virtue of subsection (1) of this section to be repaid to or through a local education authority administering unemployment benefit by virtue of section 11 of the Employment and Training Act 1948.
- (8) The provisions of Schedule 7 to this Act shall have effect to enable sums paid by way of benefit under this Act or the Industrial Injuries Act or by way of family allowance, and afterwards found not to have been payable, to be treated as paid on account of any sums properly payable to the same person by way of such a benefit or allowance, or to be treated as properly paid, and to provide for matters arising out of their being so treated.
- (9) Nothing in this Act shall prejudice the provisions of sections 13 and 14 of the National Assistance Act 1948 with respect to the abatement of payments in respect of arrears of benefit.

82 Saving for Tribunals and Inquiries Act 1958.

The provisions of this Part of this Act shall have effect subject to the provisions of the Tribunals and Inquiries Act 1958.