

1975 No. 129

NATIONAL INSURANCE

The National Insurance (Correction and Setting Aside of Decisions) Regulations (Northern Ireland) 1975

Made 29th April 1975

Coming into operation 7th July 1975

The Department of Health and Social Services, in exercise of the powers conferred on it by section 5(1) of the National Insurance Measure (Northern Ireland) 1974(a), and of all other powers enabling it in that behalf hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Correction and Setting Aside of Decisions) Regulations (Northern Ireland) 1975, and shall come into operation on 7th July 1975.

(2) In these regulations—

“appeal” includes an application for leave to appeal and the reference of a decision under section 109 of the Social Security (Northern Ireland) Act 1975(b) and “appealing” shall be construed accordingly;

“body or person interested in the decision” means any body or person to whom notice of the decision is required to be given under the statutory provisions relating to it and, if it or he is not such a body or person and is not the body or person who gave the decision, the Department;

“decision” means a decision given with respect to a claim or question arising under or in connection with any relevant enactment specified in section 5(1) of the National Insurance Measure (Northern Ireland) 1974 by a body or person authorised to decide the claim or question and “record of a decision” shall be construed accordingly.

Correction of accidental errors in decisions

2.—(1) Subject to regulation 4 (common provisions), accidental errors in any decision or record of a decision may at any time be corrected by the body or person who gave the decision.

(2) A correction made to or to the record of a decision shall be deemed to be part of the decision or the record thereof and accordingly written notice thereof shall be given as soon as practicable to bodies or persons interested in the decision.

Setting aside of decisions on certain grounds

3.—(1) Subject to and in accordance with the provisions of this regulation and regulation 4 (common provisions) on an application made by a body or person interested in the decision, a decision may be set aside by the body or person who gave the decision in a case where it appears just to set the decision aside on the ground that—

- (a) a document relating to the proceedings in which the decision was given was not sent to, or was not received at an appropriate time by, a party to the proceedings or the party's representative or was not received at an appropriate time by the body or person who gave the decision, or
- (b) a party to the proceedings in which the decision was given or the party's representative was not present at a hearing related to the proceedings.

(2) An application to set aside a decision under the foregoing paragraph shall be in writing; shall state the grounds on which it is made; and shall not be entertained by the body or person who gave the decision unless the application is received at an office of the Department within 28 days from the date on which notice of the decision was given to the applicant or such further period as that body or person may for special reasons allow.

(3) Where an application to set aside a decision is entertained under paragraph (2), every body or person interested in the decision shall be sent a copy of the application and shall be afforded a reasonable opportunity of making representations on it before the application is determined.

(4) Notice in writing of a determination on an application to set aside a decision shall be given to bodies or persons interested in the decision as soon as may be practicable and the notice shall contain a statement giving the reasons for the determination.

(5) For the purposes of determining under these regulations an application to set aside a decision, there shall be disregarded any provision in a regulation made under powers having effect under any relevant enactment specified in section 5(1) of the National Insurance Measure (Northern Ireland) 1974 to the effect that any notice or other document required or authorised to be given or sent to any person under the provisions of that regulation shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

Common provisions

4.—(1) These regulations shall apply to a decision given, or to the record of a decision made, before the date on which these regulations come into operation as well as to a decision given, or to the record of a decision made, on or after that date.

(2) In calculating any time for appealing against a decision, there shall, without prejudice to any enactment which provides for the reckoning of that time, be disregarded any day falling before the day on which notice was given of the correction of a decision or the record thereof pursuant to regulation 2 or on which notice is given of a determination that a decision shall not be set aside following an application made under regulation 3, as the case may be.

(3) There shall be no appeal against a determination given under the provisions of regulation 2 or 3.

(4) Nothing in these regulations shall be construed as derogating from any power to correct errors or set aside decisions which is exercisable apart from these regulations.

(5) In the event of it being impracticable or of it being likely to cause undue delay for a decision or record of a decision to be dealt with pursuant to regulation 2 or 3 by the body or person who gave the decision, another body or person of like status may so deal with it.

(6) Any power given by these regulations to extend the period during which anything is required to be done under these regulations may be exercised in any case, notwithstanding that the period during which the thing is required to be done has expired.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 29th April 1975.

(L.S.)

C. G. Oakes

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations make provision for the correction by the body or person who gave the decision of accidental errors in any decision or record of a decision given with respect to a claim or question arising under or in connection with enactments specified in section 5(1) of the National Insurance Measure (Northern Ireland) 1974.

The regulations also provide for the setting aside of such a decision on specified grounds by the body or person who gave it where it appears just to do so and prescribe the procedure to be followed in implementing those provisions.

1975 No. 130

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading TRUNK ROADS.