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STATUTORY RULES OF NORTHERN IRELAND

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**1995 No. 293**

**The Social Security (Adjudication)  
Regulations (Northern Ireland) 1995**

**PART III**

**ADJUDICATING AUTHORITIES**

SECTION A —

*THE DEPARTMENT*

**Construction of Section A**

**12.** In this Section “a person interested” means, except in relation to statutory sick pay or statutory maternity pay, a person whose interest in the application or decision relates to that person’s own liability under the Acts or his actual or potential rights under them and in relation to statutory sick pay or statutory maternity pay means an employer or employee (including a person who is alleged or claims to be the employer or employee of another person)—

- (a) in relation to whose rights, duties or obligations under Parts XI and XII of the Contributions and Benefits Act or under regulations under those Parts, a question has arisen that is for determination by the Department under section 15(1)(g) or (h) of the Administration Act; or
- (b) whose rights, duties or obligations are called into question by way of review of a determination under section 17 of the Administration Act,

and references to a person appearing to be interested shall be construed accordingly.

**Application for decision of the Department on principal questions**

**13.—(1)** A person desiring to obtain the decision of the Department on any of the questions mentioned in section 15(1) of the Administration Act (including those to which that section applies by virtue of section 16.5(1) of the Pension Schemes (Northern Ireland) Act 1993(1)) shall deliver or send to the Department an application for the purpose in writing in a form approved by it.

(2) The Department shall take steps to bring any such application to the notice of any person appearing to it to be interested in the application and to obtain from such person such particulars within such time and in such form as it considers reasonably necessary for the proper determination of the question.

(3) An application for a decision of the Department shall not be made otherwise than by a person interested or, in the case of an application relating to statutory sick pay or statutory maternity pay, by an inspector appointed under section 104 of the Administration Act.

(4) Nothing in paragraph (1) or (3) shall affect any right or obligation under the Acts or regulations made under the Acts to refer any question to the Department.

#### **Procedures for inquiries**

**14.** Any person appointed by the Department under section 15(4) of the Administration Act to hold an inquiry into any question or any matters arising in connection therewith and to report to it thereon may—

- (a) by summons require persons to attend any such inquiry to give evidence or to produce documents reasonably required for the purpose of the inquiry;
- (b) require any person so summoned, or who otherwise attends to give evidence, to be examined on oath; and
- (c) for that purpose administer oaths.

#### **The Department's decision and statement of grounds**

**15.—(1)** The Department shall give notice in writing of its decision under section 15 of the Administration Act and of the right to request a statement of the grounds of the decision to the applicant and to any persons appearing to it to be interested therein and may publish its decision in such manner as it thinks fit.

(2) The applicant and any other person appearing to the Department to be interested shall, on request, be furnished with such a statement of the grounds of the Department's decision under section 15 of the Administration Act as will enable him to determine whether any question of law (not being a question which has been referred to the Court of Appeal in accordance with section 16(1) of that Act) has arisen upon which he may appeal to the Court of Appeal under section 16(3) of that Act.

#### **Review or reference**

**16.—(1)** The provisions of regulation 13(3) and (4) (application for decision of the Department on principal questions) shall apply to any application for a review under section 17(1) of the Administration Act of a decision under section 15(1) of that Act as they apply to an application under regulation 13(1).

(2) The provisions of regulations 13(2), 14 (procedure for inquiries) and 15 (the Department's decision and statement of grounds) shall apply with the necessary modifications to any case in which —

- (a) a question has been raised with a view to the review under section 17(1) of the Administration Act of any decision of the Department given in accordance with this Section; or
- (b) a question such as is mentioned in regulation 13(1) is referred to the Department under section 35(1) or 111(2) of the Administration Act.

#### **Questions for determination by the Department**

**17.—(1)** It shall be for the Department to determine—

- (a) a question whether—
  - (i) an increase of disablement pension under section 104 of the Contributions and Benefits Act, or
  - (ii) a further increase under section 105 of that Act,is to be granted or renewed and, if so, for what period and of what amount;

- (b) a question how the limitations under Part VI of Schedule 7 to the Contributions and Benefits Act on the benefit payable in respect of any death are to be applied in the circumstances of any case;
  - (c) a question arising under regulations made under section 5(1)(i) of the Administration Act.
- (2) The Department may review any determination given by it on any question referred to in paragraph (1) where—
- (a) new facts have been brought to its notice; or
  - (b) it is satisfied that the determination—
    - (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.
- (3) A decision of the Department on a question under section 70(7) of the Contributions and Benefits Act or on any question which by virtue of regulations falls to be determined by the Department in its discretion may be given so as to have effect with respect to a period before the date of the decision; and it may at any time and from time to time reconsider the exercise of its discretion with respect to such a question and decide it again with such other effects as may seem to it to be proper in the circumstances of the case.