



Social Security and Housing Benefits Act 1982

1982 CHAPTER 24

PART I

STATUTORY SICK PAY

Determination of questions

11 Determination of questions by Secretary of State

- (1) Any question arising under any provision of this Part, or of regulations under this Part, as to—
- (a) whether a person is, or was, an employee or employer of another;
 - (b) whether an employer is entitled to make any deduction from his contributions payments, in accordance with regulations under section 9 of this Act;
 - (c) whether a payment falls to be made to an employer in accordance with those regulations ;
 - (d) the amount that falls to be so deducted or paid ; or
 - (e) whether two or more employers or two or more contracts of service are, by virtue of regulations made under section 26(5) of this Act, to be treated as one;
- shall be determined by the Secretary of State on a reference to him under this section made in accordance with regulations.
- (2) Regulations under subsection (1) above may, in particular—
- (a) provide for questions to be referred to the Secretary of State under this section only by prescribed persons or classes of person ; and
 - (b) make provision as to the manner in which, and time within which, references are to be made.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) The Secretary of State may, if he thinks fit, before determining any question under this section, appoint a person to hold an inquiry into, and to report on, the question or any matter arising in connection with it.
- (4) A question of law arising in connection with the determination by the Secretary of State of any question under this section may, if he thinks fit, be referred for decision to the appropriate court, that is to say the High Court or, in Scotland, the Court of Session.
- (5) Any person aggrieved by the decision of the Secretary of State on any such question of law which is not so referred may appeal from that decision to the appropriate court.
- (6) If the Secretary of State determines to refer any question of law to the appropriate court, he shall give notice in writing of his intention to do so to any person appearing to him to be concerned with that question.
- (7) On any such reference or appeal—
 - (a) the Secretary of State shall be entitled to appear and be heard;
 - (b) the court may order him to pay the costs (in Scotland, the expenses) of any other person, whether or not the decision is in that other person's favour and whether or not the Secretary of State has appeared on the reference or appeal;
 - (c) the decision of the court shall be final.
- (8) Rules of court may include provision for regulating references and appeals under this section and for limiting the time within which such appeals may be brought.