



# Social Security Act 1973

## 1973 CHAPTER 38

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Adjudication*

#### **85 Questions arising under the reserve scheme.**

- (1) The following provisions of this subsection shall apply in the case of questions arising under Part III of this Act,; other than such a question as is referred to in subsection, (4) below or as may be prescribed by regulations under' subsection (5)—
- (a) any question so arising as to a person's liability for reserve scheme contributions or a reserve scheme premium shall be determined by the Secretary of State;
  - (b) any question so arising as to the reserve scheme contributions or premiums paid by or in respect of any person, so far as relating to his or another person's entitlement to a reserve scheme pension, shall be referred by the Reserve Pension Board to, and be determined by, the Secretary of State ;
  - (c) any question so arising as to a person's entitlement to a reserve scheme pension, or as to any other matter relating to such a pension (but not such a question as is referred to in paragraph (b) above), shall be determined by the Reserve Pension Board; and
  - (d) any question so arising as to whether a person's employment at any time is or was recognised pensionable employment in relation to him shall be referred by the Secretary of State to, and be determined by, the Occupational Pensions Board.
- (2) The Secretary of State may, if he thinks fit, before determining any such question as is referred to in subsection (1)(a) or (b) above, appoint a person to hold an inquiry into the question, or any matters arising in connection therewith, and report on the question, or on those matters, to the Secretary of State.

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*Status: This is the original version (as it was originally enacted).*

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- (3) In subsections (1) and (2) above, as they apply to Northern Ireland and questions arising there, the Northern Ireland Ministry shall be substituted for the Secretary of State.
- (4) Where any question arises before the Reserve Pension Board under Part III of this Act—
- (a) as to a person's age ; or
  - (b) as to what was the date of a person's death; or
  - (c) as to whether a man was at the time of his death married to a particular woman ;  
or
  - (d) as to whether a woman previously married' has remarried and, if so, what was the date of her remarriage,
- that question shall be referred by the Board to an insurance officer for determination by him in accordance with Part IV of the former principal Act or the corresponding Northern Ireland legislation: and the said Part IV or that legislation, as the case may be, shall then apply as if it were such a question as is referred to in section 84(5) of this Act.
- (5) Regulations may prescribe questions arising before the Reserve Pension Board under Part III of this Act (not being such questions as are referred to in paragraphs (a) to (d) of subsection (4) above) which may or must in prescribed circumstances be referred by the Board to an insurance officer under Part IV of the former principal Act or the corresponding Northern Ireland legislation; and any question so prescribed shall in accordance with the regulations be so referred, and the said Part IV or that legislation, as the case may be, shall then apply as if it were such a question as is referred to in section 84(5) of this Act.
- (6) The Reserve Pension Board may, on new facts being brought to their notice, or if they are satisfied that their decision was given in ignorance of, or was based on a mistake as to, some material fact, review any decision given by them on any such question as is mentioned in subsection (1)(c) above:

Provided that such a decision shall not be reviewed while an appeal under section 86 of this Act is pending against the decision of the Board on a question of law arising in connection therewith, or before the time for so appealing has expired.