



Social Security Administration Act 1992

1992 CHAPTER 5

PART II

ADJUDICATION

Regulations

59 Procedure

- (1) Regulations (in this section referred to as “procedure regulations”) may make any such provision as is specified in Schedule 3 to this Act.
- (2) Procedure regulations may deal differently with claims and questions relating to—
 - (a) benefit under Parts II to IV of the Contributions and Benefits Act;
 - (b) industrial injuries benefit;
 - (c) each of the other benefits to which section 20 above applies.
- (3) At any inquiry held by virtue of procedure regulations the witnesses shall, if the person holding the inquiry thinks fit, be examined on oath; and the person holding the inquiry shall have power to administer oaths for that purpose.
- (4) In proceedings for the determination of a question mentioned in section 17(1)(c) above (including proceedings on an inquiry)—
 - (a) in England and Wales, there shall be available to a witness (other than the person who is liable, or alleged to be liable, to pay the Class 1A contribution in question) any privilege against self-incrimination or incrimination of a spouse which is available to a witness in legal proceedings; and
 - (b) in Scotland, section 3 of the Evidence (Scotland) Act 1853 (competence and compellability of witnesses) shall apply as it applies to civil proceedings.
- (5) Procedure regulations prescribing the procedure to be followed in cases before a Commissioner shall provide that any hearing shall be in public except in so far as the Commissioner for special reasons otherwise directs.

Status: This is the original version (as it was originally enacted).

- (6) It is hereby declared—
- (a) 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; and
 - (b) that the power to provide for the manner in which questions arising for determination by the Secretary of State are to be raised includes power to make provision with respect to the formulation of any such questions, whether arising on a reference under section 117 below or otherwise.
- (7) Except so far as it may be applied in relation to England and Wales by procedure regulations, the Arbitration Act 1950 shall not apply to any proceedings under this Part of this Act.