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Pension Schemes (Northern Ireland) Act 1993

1993 CHAPTER 49

PART XI

GENERAL AND MISCELLANEOUS PROVISIONS

General provisions as to determinations and appeals

165 Determination of questions by Department.

(1) The questions to which section 15(1) of the ^{M1}Social Security Administration (Northern Ireland) Act 1992 (questions for determination by the Department) applies include—

- (a) any question as to the amount of a person's guaranteed minimum for the purposes of section 9 or 13;
- (b) any question—
 - (i) whether a [^{F1}contributions equivalent] premium is payable or has been paid in any case or as to the amount of any such premium; or
 - (ii) otherwise arising in connection with any [^{F1}contributions equivalent] premium;
- (c) any question whether for the purposes of this Act a cash sum paid or an alternative arrangement made under the ^{M2}[^{F2}Financial Services Compensation Scheme] provides the whole or any part of the guaranteed minimum pension to which an earner or an earner's widow or widower was entitled under a contracted-out scheme; ^{F3} . . .
- (d) any question arising in connection with minimum contributions or payments under Article 9 of the ^{M3}Social Security (Northern Ireland) Order 1986,

[^{F4}and

- (e) any question whether an employment is, or is to be treated, for the purposes of this Act as contracted-out employment or as to the persons in relation to

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whom, or the period for which, an employment is, or is to be treated, for the purposes of this Act as such employment]

(2) The Department may make any determination required by subsection (1)(c) on such basis as it considers appropriate.

^{F5}(3)

^{F5}(4)

^{F6}(5)

^{F6}(6)

^{F7}(7) Sections 16 and 17 of the Social Security Administration (Northern Ireland) Act 1992 (appeals and reviews) shall have effect as if the questions mentioned in subsection (1) of section 15 of that Act included—

- (a) any question arising in connection with the issue, cancellation or variation of contracting-out certificates or appropriate scheme certificates, not being a question mentioned in subsection (1)(e) above, and
- (b) any other question arising under this Act which falls to be determined by the Department, not being a question mentioned in that subsection.

(8) Regulations may make provision with respect to the procedure to be adopted on any application for a review made under section 17 of that Act by virtue of subsection (7) above and generally with respect to such applications and reviews, but may not prevent such a review being entered upon without an application being made.]

Textual Amendments

- F1** Words in s. 165(1)(b) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 60(a)(i)**; S.R. 1997/192, **art. 2(b)**
- F2** S. 165(1)(c): words "Financial Services Compensation Scheme" substituted (3.7.2002) for "Policyholders Protection Act 1975" by Financial Services and Markets Act 2000 (Consequential Amendments) Order (S.I. 2002/1555), {art. 21}
- F3** Word in s. 165(1)(c) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, **Sch. 3 para. 60(a)(ii)**, **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F4** S. 165(1)(e) and the word "and" immediately preceding substituted (6.4.1997) for words by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 60(a)(iii)**; S.R. 1997/192, **art. 2(b)**
- F5** S. 165(3)(4) repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, **Sch. 3 para. 60(b)**, **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**
- F6** S. 165(5)(6) repealed (1.1.1996) by S.I. 1995/3213 (N.I. 22), arts. 119, 168, **Sch. 1 para. 34**, **Sch. 5 Pt. I**; S.R. 1995/477, art. 2(b), **Sch. Pt. II**
- F7** S. 165(7)(8) added (6.4.1996 for certain purposes otherwise 6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, **Sch. 3 para. 60(c)**; S.R. 1996/91, art. 2(d), **Sch. Pt IV**; S.R. 1997/192, **art. 2(b)**

Modifications etc. (not altering text)

- C1** S. 165(1) modified (28.3.1997) by S.R. 1997/192, **art. 4(2)** (with art. 9)

Marginal Citations

- M1** 1992 c. 8.
M2 1975 c. 75.
M3 S.I. 1986/1888 (N.I. 18).

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166 Questions arising in proceedings.

- (1) Where in any proceedings—
- (a) for an offence under this Act; or
 - (b) involving any question as to the payment of a [^{F8}contributions equivalent] premium;
- any such question arises as is mentioned in section 165(1)(a), (b)(i) or (c), the decision of the Department shall be conclusive for the purpose of the proceedings.
- (2) If—
- (a) a decision of any such question is necessary for the determination of the proceedings; and
 - (b) the decision of the Department has not been obtained or a question has been raised with a view to a review of the decision obtained,
- the question shall be referred to the Department for determination or review in accordance (subject to any necessary modifications) with sections 15 to 17 of the ^{M4}Social Security Administration (Northern Ireland) Act 1992.
- (3) Subsection (1) does not apply if—
- (a) an appeal under section 16 of that Act is pending; or
 - (b) the time for appealing has not expired; or
 - (c) a question has been raised with a view to a review of the Department's decision under section 17 of that Act,
- and the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

Textual Amendments

F8 Words in s. 166(1)(b) substituted (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, Sch. 3 para. 61; S.R. 1997/192, art. 2(b)

Modifications etc. (not altering text)

C2 S. 166(1) modified (28.3.1997) by S.R. 1997/192, art. 4(2) (with art. 9)

Marginal Citations

M4 1992 c. 8.

VALID FROM 05/07/1999

[^{F9}166A Reports by Inland Revenue.

- (1) The Inland Revenue shall prepare, either annually or at such times or intervals as may be prescribed, a report on the standards achieved by their officers in the making of decisions against which, by virtue of section 165(6), an appeal lies to an appeal tribunal constituted under Chapter I of Part II of the Social Security (Northern Ireland) Order 1998.
- (2) Any report under this section—
- (a) may be included in any annual report by the Inland Revenue of which a copy is laid before each House of Parliament, or

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(b) may be annexed to any report of the Secretary of State under section 81 of the Social Security Act 1998 ^{F10}.

(3) A copy of every report under this section shall be laid before each House of Parliament unless the report is included in, or annexed to, a report of which a copy is so laid.]

Textual Amendments
F9 S. 166A inserted (5.7.1999) by S.I. 1999/671, art. 17, **Sch. 6 para. 14**; S.R. 1999/271, art. 2(b), **Sch. Pt. II**
F10 1998 c. 14.

^{F11}**167**

Textual Amendments
F11 S. 167 repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), arts. 147, 168, Sch. 3 para. 62, **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**; s. 167(1)(b) also expressed to be repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 168, **Sch. 5 Pt. IV**; S.R. 1997/192, **art. 2(b)**

^{F12}**168**

Textual Amendments
F12 S. 168 repealed (6.4.1997) by S.I. 1995/3213 (N.I. 22), art. 147, 168, Sch. 3 para. 62, **Sch. 5 Pt. III**; S.R. 1997/192, **art. 2(b)**

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