(ii) the School shall be open to inspection by Inspectors or other officers of the Ministry at all reasonable times.

4. The amount of grant to be paid to the Committee in respect of each accounting period shall be determined by the Ministry and shall not exceed an amount equal to one-half of the expenditure of the Committee as approved by the Ministry and instalments of grant may be paid during each accounting period without prejudice to subsequent adjustments.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 5th day of May, nineteen hundred and sixty.

(L.S.) *J. M. Benn,*
Assistant Secretary.

The Ministry of Finance hereby approves of the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 5th day of May, nineteen hundred and sixty.

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations continue the provision for the payment of grant to the Management Committee of the National Sea Training Schools in respect of the provision of facilities for the instruction of serving seamen.

1960. No. 85 **[C]**

NATIONAL INSURANCE

Non-participation—Appeals and References

REGULATIONS, DATED 30TH MAY, 1960, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 1959.

The Ministry of Labour and National Insurance, in exercise of powers conferred by sections 40 and 50 of the National Insurance Act (Northern Ireland), 1946(**a**), and section 12 of the National Insurance Act (Northern Ireland), 1959(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

(a) 1946. c. 23. (b) 1959. c. 21.

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the National Insurance (Non-participation—Appeals and References) Regulations (Northern Ireland), 1960, shall come into operation on the 1st July, 1960.

(2) In these regulations—

"the Act" means the National Insurance Act (Northern Ireland), 1946;

"the Act of 1959" means the National Insurance Act (Northern Ireland), 1959;

"the Certificates Regulations" means the National Insurance (Non-participation—Certificates) Regulations (Northern Ireland), 1960(a);

"the Ministry" means the Ministry of Labour and National Insurance;

"the adjudicator" means the adjudicator appointed in accordance with sub-section (3) of section 12 of the Act of 1959 for the purposes of Part II thereof;

"the registrar" means an officer appointed in accordance with regulation 2 of the Certificates Regulations;

"Part III question" means a question whether an employment is, under any certificate, to be treated as a non-participating employment in relation to any person or as to the period for which it is to be so treated which is referred to the registrar by the Ministry under Part III of the Certificates Regulations;

and other expressions have the same meanings as in the Act.

Clerk to the adjudicator

2. The Ministry shall appoint a clerk to the adjudicator from among the officers of the Ministry of Labour and National Insurance who shall perform such duties in connection with appeals and references from the registrar under Part II of the Act of 1959 as may be required for the purposes of these regulations.

Notice of appeal or reference to the adjudicator

3.—(1) An appeal by any person mentioned in regulation 13 of the Certificates Regulations against a decision of the registrar shall be brought by giving notice of appeal to the clerk to the adjudicator within one month after the date on which the decision is sent to that person or within such longer period as the adjudicator may for special reasons allow.

(2) A notice of appeal shall be in writing and shall contain a statement of the grounds upon which the appeal is made.

(3) The clerk to the adjudicator shall send copies of the notice of appeal to the registrar and, in the case of a Part III question, to the Ministry, to any person to whom notice was given under regulation 8 of the Certificates Regulations and to any other person to whom the adjudicator directs notice to be given.

(4) Where the registrar refers a question to the adjudicator in accordance with the provisions of the Certificates Regulations notice of such reference shall be given to the employer or, in the case of a Part III question, to the Ministry, to any person to whom notice was given under the said regulation 8 and to any other person to whom the adjudicator directs notice to be given.

(a) S.R. & O. (N.I.) 1960, No. 22.

Procedure before the adjudicator

4.—(1) An oral hearing of the appeal or reference shall be granted by the adjudicator at the request of the registrar or of any person who has a right of appeal.

(2) If, in accordance with the provisions of the foregoing paragraph, a request for an oral hearing has been granted, or if, notwithstanding that no request has been made, the adjudicator is otherwise satisfied that an oral hearing is desirable, the clerk to the adjudicator shall give reasonable notice of the time and place of the hearing to every person by whom notice of appeal was given or to whom notice of a reference by the registrar or a copy of the notice of appeal was sent.

(3) In any case in which an oral hearing of an appeal is held such hearing shall be in private if the adjudicator for special reasons so directs.

(4) Except as aforesaid, any hearing by the adjudicator shall be in public.

(5) Any person to whom notice of the hearing has been given shall be entitled to appear and be heard at the hearing and to be represented thereat by any other person whether legally qualified or not and, for the purpose of the proceedings at the hearing, such representative shall have all the rights and powers to which the person whom he represents is entitled under these regulations.

(6) Any person having the right to be heard who appears at a hearing by the adjudicator may call witnesses and shall be given an opportunity of putting questions directly to any witness called at the hearing.

(7) The adjudicator may, by summons, require any persons to attend at a hearing to give evidence or to produce documents reasonably required for determining the issue before him and may take evidence on oath and for that purpose administer oaths.

(8) If any person fails to comply with any requirement of a summons issued under paragraph (7) he shall, for each offence, be liable on summary conviction to a penalty not exceeding ten pounds.

(9) If any person to whom notice of the hearing has been duly given should fail to appear either in person or by a representative at the hearing, the adjudicator may proceed to determine the issue notwithstanding the absence of any such person or representative, or may give such directions with a view to the determination of the issue as he thinks proper.

(10) If it appears to the adjudicator that any appeal or reference which is made to him involves a question of special difficulty, the adjudicator may direct that in dealing with the appeal or reference or any part thereof he shall have the assistance of an assessor or assessors.

(11) The decision of the adjudicator shall be in writing and signed by him and shall include the reasons for the decision.

(12) The clerk to the adjudicator shall send a copy of the adjudicator's decision as soon as may be practicable to the employer, to the registrar, to the Ministry and, in the case of a Part III question, to any other person to whom a copy of the notice of appeal or reference was sent in accordance with regulation 3.

(13) Subject to the provisions of these regulations, the procedure in connection with the consideration and determination of any appeal or reference to the adjudicator shall be such as he shall determine.

Appeal to the Supreme Court

5. Any party to proceedings in an appeal or reference to the adjudicator may appeal, in accordance with rules of Court, to the Supreme Court from a decision of the adjudicator on any question of law.

Review of decisions

6.—(1) Any decision given by the registrar or the adjudicator on a Part III question may, on a reference by or an appeal from a decision of the registrar under regulation 12 of the Certificates Regulations, be reviewed by the adjudicator on the grounds for review of decisions by the registrar under that regulation, that is to say, if—

(*a*) the adjudicator is satisfied that the decision was given in ignorance of or was based on a mistake as to some material fact; or

(*b*) new facts are brought to his notice.

(2) Where a decision is referred for review under this regulation, notice shall be given to the person to whom the decision relates, to the employer of that person during any period in question, to the Ministry and to any other person to whom the adjudicator directs notice to be given.

(3) The provisions of these regulations shall apply to the reference under regulation 12 of the Certificates Regulations of a decision to the adjudicator for review as they apply to the reference to him of a Part III question.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 30th day of May, nineteen hundred and sixty.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the procedure for determination by the adjudicator appointed under Part II of the National Insurance Act (Northern Ireland), 1959, of appeals and references in relation to any question whether an employment is to be treated as a non-participating employment for the purposes of that Act or as to the persons in relation to whom or the period for which it is to be so treated. The Regulations include provision for oral hearings and other procedural matters and contain a power for the adjudicator, on a reference or appeal to him, to review decisions given by himself or the registrar on questions whether any employment is to be treated as a non-participating employment in relation to any person or the period for which it is to be so treated.