
STATUTORY INSTRUMENTS

1998 No. 1506

The Social Security (Northern Ireland) Order 1998

PART II

DECISIONS AND APPEALS

CHAPTER II

SOCIAL SECURITY DECISIONS AND APPEALS

Decisions

Decisions by the Department

^{F1F2F3}9.—(1) Subject to the provisions of this Chapter, it shall be for the Department—

- (a) to decide any claim for a relevant benefit;
- (b) [^{F4}to decide any claim for a social fund payment mentioned in section 134(1)(b) of the Contributions and Benefits Act;]^{F5} and[]
- (c) subject to paragraph (5), to make any decision that falls to be made under any relevant statutory provision;^{F5} . . .

Sub#para. (d) rep. by SI 1999/671

(2) Where at any time a claim for a relevant benefit is decided by the Department—

- (a) the claim shall not be regarded as subsisting after that time; and
- (b) accordingly, the claimant shall not (without making a further claim) be entitled to the benefit on the basis of circumstances not obtaining at that time.

(3) ^{F6}In this Chapter “relevant benefit”, . . . , means any of the following, namely—

- (a) benefit under Parts II to V of the Contributions and Benefits Act;

[^{F7}(aa) universal credit;]

[^{F8}(ab) state pension or a lump sum under Part 1 of the Pensions Act (Northern Ireland) 2015;]

[^{F9}(ac) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;]

- (b) a jobseeker's allowance;

[^{F10}(ba) an employment and support allowance;]

[^{F11}(baa) personal independence payment;]

[^{F12}(bb) state pension credit;]

[^{F13}(bc) a loan under Article 13 of the Welfare Reform and Work (Northern Ireland) Order 2016;]

- (c) income support;

Sub#paras. (d) and (e) rep. by 2002 c. 21

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- (f) a social fund payment mentioned in section 134(1)(a) or (2) of the Contributions and Benefits Act;
- (g) child benefit;
- (h) such other benefit as may be prescribed.

(4) In this Article “relevant statutory provision” means any statutory provision contained in this Chapter, the Contributions and Benefits Act, the Administration Act, the Social Security (Consequential Provisions) (Northern Ireland) Act 1992^[F14], the Jobseekers Order ^[F15], the State Pension Credit Act (Northern Ireland) 2002 ^[F16], Part 1 of the Welfare Reform Act (Northern Ireland) 2007 or Part 2 of the Welfare Reform (Northern Ireland) Order 2015^[F17] or Part 5 of that Order ^[F18] or Part 1 of the Pensions Act (Northern Ireland) 2015^[F19], section 29 of that Act or Articles 13 to 16 of the Welfare Reform and Work (Northern Ireland) Order 2016] other than one contained in—

- (a) Part VII of the Contributions and Benefits Act so far as relating to housing benefit;
- (b) Part VIII of the Administration Act (arrangements for housing benefit).

^[F5](5) Paragraph (1)(c) does not include any decision which under Article 7 of the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 falls to be made by an officer of the Inland Revenue.]

- F1** functions transf. by 1999 c. 10
- F2** mod. by SR 1999/349, 350
- F3** prosp. in pt. certain functions transf. by 2002 c. 21
- F4** Art. 9(1)(b) repealed (28.11.2016 for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 7**; S.R. 2016/411, art. 2(3)(c) (with art. 4)
- F5** SI 1999/671
- F6** 1999 c. 30
- F7** [Art. 9\(3\)\(aa\)](#) inserted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in operation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 2 para. 36(a)**; S.R. 2016/215, art. 2(2)(c)(v)(gg); S.R. 2017/190, art. 4(1)(2)(g)(iii)
- F8** [Art. 9\(3\)\(ab\)](#) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(3), **Sch. 12 para. 29(a)**
- F9** [Art. 9\(3\)\(ac\)](#) inserted (6.4.2017) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(1), **Sch. 16 para. 37(2)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
- F10** [Art. 9\(3\)\(ba\)](#) inserted (1.7.2008 for certain purposes, otherwise 27.7.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), **Sch. 3 para. 10(3)(a)**; S.R. 2008/276, **art. 2(2)(a)**
- F11** [Art. 9\(3\)\(baa\)](#) inserted (2.5.2016 for specified purposes, 20.6.2016 in so far as not already in operation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 9 para. 37(a)**; S.R. 2016/215, arts. 2(5)(h)(iv), 3(2)
- F12** 2002 c. 14 (NI)
- F13** [Art. 9\(3\)\(bc\)](#) inserted (4.9.2017) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(1), **15(5)(a) (with art. 16)**; S.R. 2017/166, art. 2(c)
- F14** 2002 c. 14 (NI)
- F15** Words in [art. 9\(4\)](#) substituted (1.7.2008 for certain purposes, otherwise 27.7.2008) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), ss. 28(1), 60(1), **Sch. 3 para. 10(3)(b)**; S.R. 2008/276, **art. 2(2)(a)**
- F16** Words in [art. 9\(4\)](#) substituted (2.5.2016 for specified purposes, 27.9.2017 in so far as not already in operation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 2 para. 36(b)**; S.R. 2016/215, art. 2(2)(c)(v)(gg); S.R. 2017/190, art. 4(1)(2)(g)(iii)
- F17** Words in [art. 9\(4\)](#) inserted (2.5.2016 for specified purposes, 20.6.2016 in so far as not already in operation) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 9 para. 37(b)**; S.R. 2016/215, arts. 2(5)(h)(iv), 3(2)
- F18** Words in [art. 9\(4\)](#) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(3), **Sch. 12 para. 29(b)**

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F19 Words in art. 9(4) substituted (4.9.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **15(5)(b) (with art. 16)**; S.R. 2017/166, art. 2(c)

Modifications etc. (not altering text)

C1 Art. 9 applied (10.4.2006) by S.I. 2006/1034, **reg. 2**

C2 Art. 9 applied (6.4.2020) by The Guardians Allowance Up-rating Regulations 2020 (S.I. 2020/302), regs. 1(1), **2**

C3 Art. 9 applied (12.4.2021) by The Guardian's Allowance Up-rating Regulations 2021 (S.I. 2021/256), regs. 1(1), **2**

Revision of decisions

10 ^{F20}.—^{F21F22}(1) [^{F23}Subject to Article 36(3),]any decision of the Department under Article 9 or 11 may be revised by the Department—

(a) either within the prescribed period or in prescribed cases or circumstances; and

(b) either on an application made for the purpose or on the Department's own initiative,

and regulations may prescribe the procedure by which a decision of the Department may be so revised.

(2) In making a decision under paragraph (1), the Department need not consider any issue that is not raised by the application or, as the case may be, did not cause the Department to act on its own initiative.

(3) Subject to paragraphs (4) and (5) and Article 27, a revision under this Article shall take effect as from the date on which the original decision took (or was to take) effect.

(4) Regulations may provide that, in prescribed cases or circumstances, a revision under this Article shall take effect as from such other date as may be prescribed.

(5) Where a decision is revised under this Article, for the purpose of any rule as to the time allowed for bringing an appeal, the decision shall be regarded as made on the date on which it is so revised.

(6) Except in prescribed circumstances, an appeal against a decision of the Department shall lapse if the decision is revised under this Article before the appeal is determined.

F20 mod. by SR 1999/349, 350

F21 mod. by SR 1999/225

F22 prosp. in pt. certain functions transf. by 2002 c. 21

F23 Words in art. 10(1) repealed (28.11.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 7**; S.R. 2016/411, art. 2(3)(c) (with art. 4)

Decisions superseding earlier decisions

11 ^{F24}.—^{F25F26}(1) Subject to [^{F27} paragraph (3)] [^{F28}and Article 36(3)], the following, namely—

(a) any decision of the Department under Article 9 or this Article, whether as originally made or as revised under Article 10; and

(b) any decision under this Chapter of an appeal tribunal or a Commissioner,

may be superseded by a decision made by the Department, either on an application made for the purpose or on the Department's own initiative.

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(2) In making a decision under paragraph (1), the Department need not consider any issue that is not raised by the application or, as the case may be, did not cause the Department to act on its own initiative.

(3) Regulations may prescribe the cases and circumstances in which, and the procedure by which, a decision may be made under this Article.

(Para)

(5) Subject to paragraph (6) and Article 27, a decision under this Article shall take effect as from the date on which it is made or, where applicable, the date on which the application was made.

(6) Regulations may provide that, in prescribed cases or circumstances, a decision under this Article shall take effect as from such other date as may be prescribed.

F24 mod. by SR 1999/349, 350

F25 mod. by SR 1999/225

F26 prosp. in pt. certain functions transf. by 2002 c. 21

F27 SI 1999/671

F28 Words in art. 11(1) repealed (28.11.2016 for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 7](#); S.R. 2016/411, art. 2(3)(c) (with art. 4)

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Changes and effects yet to be applied to :

- power to am. (prosp.) by [1998 c. 47 s.87](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1999 c. 10 s.1\(2\)Sch.1 paras.16\(r\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 7A and cross-heading inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 41\(3\)](#)
- Sch. 3 para. 3A inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 42](#)
- art. 38(1A) inserted by [2010 c. 13 \(N.I.\) s. 16\(2\)](#)