

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, SCHEDULE 11 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 11

Article 107(6)

Power to require consideration of revision before appeal

The Child Support (Northern Ireland) Order 1991 (NI 23)

1. The Child Support (Northern Ireland) Order 1991 is amended as follows.

Commencement Information

I1 Sch. 11 para. 1 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

2. In Article 22 (appeals to appeal tribunals), as substituted by section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (and subsequently amended), after paragraph (2) insert—

“(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision mentioned in paragraph (1)(a) or (b) only if the Department has considered whether to revise the decision under Article 18.

(2B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the consideration by the Department satisfied any other condition specified in the regulations.

(2C) Regulations may make provision that, where in accordance with regulations under paragraph (2A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under Article 18.”

Commencement Information

I2 Sch. 11 para. 2 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

3. In Article 22 (appeals to appeal tribunals), as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, after paragraph (3) insert—

“(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision only if the Department has considered whether to revise the decision under Article 18.

(3B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the consideration by the Department satisfied any other condition specified in the regulations.

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(3C) Regulations may make provision that, where in accordance with regulations under paragraph (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under Article 18.”

Commencement Information

I3 Sch. 11 para. 3 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

4. In Article 47A (pilot schemes) (as inserted by section 32 of the Child Maintenance Act (Northern Ireland) 2008) at the end insert—

“(6) This Article does not apply to regulations under—

- (a) paragraph (2A) of Article 22 as substituted by section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;
- (b) paragraph (3A) of Article 22 as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000.”

Commencement Information

I4 Sch. 11 para. 4 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

5. In Article 48 (regulations and orders), in paragraph (2)(a), after “Article 14(5)(b),” insert “22(2A), 22(3A) ”.

Commencement Information

I5 Sch. 11 para. 5 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)

6. The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is amended as follows.

Commencement Information

I6 Sch. 11 para. 6 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

7.—(1) Article 13 (appeals against certificates) is amended as follows.

(2) After paragraph (2) insert—

“(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, an appeal may be made under this Article only if the Department has reviewed the certificate under Article 12.

(2B) The regulations may in particular provide that that condition is met only where—

- (a) the review by the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the review by the Department satisfied any other condition specified in the regulations.”

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(3) In paragraph (5)(c) after “any such appeal” insert “ (or, where in accordance with regulations under paragraph (2A) there is no right of appeal, any purported appeal) ”.

Commencement Information

I7 Sch. 11 para. 7 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

8.—(1) Article 28 (regulations and orders) is amended as follows.

(2) In paragraph (1) after “regulations made under Article” insert “ 13(2A) or ”.

(3) After that paragraph insert—

“(1A) Regulations under Article 13(2A) must be laid before the Assembly after being made and take effect on such date as may be specified in the regulations, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations are approved by a resolution of the Assembly.”

Commencement Information

I8 Sch. 11 para. 8 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

PROSPECTIVE

The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)

9. The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 is amended as follows.

PROSPECTIVE

10.—(1) Paragraph 6 of Schedule 7 (housing benefit: appeal to appeal tribunal) is amended as follows.

(2) In sub-paragraph (4), after paragraph (b) insert—

“or where regulations under sub-paragraph (5A) so provide.”

(3) After sub-paragraph (5) insert—

“(5A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal in relation to a decision only if the relevant authority which made the decision has considered whether to revise the decision under paragraph 3.

(5B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the relevant authority was on an application,
- (b) the relevant authority considered issues of a specified description, or
- (c) the consideration by the relevant authority satisfied any other condition specified in the regulations.

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(5C) Regulations may provide that, where in accordance with regulations under subparagraph (5A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under paragraph 3.”

PROSPECTIVE

11. In paragraph 20(4) of Schedule 7 (regulations subject to confirmatory procedure) for “or (4)” substitute “, (4) or (5A)”.

The Mesothelioma, etc., Act (Northern Ireland) 2008 (c. 9)

12. The Mesothelioma, etc., Act (Northern Ireland) 2008 is amended as follows.

Commencement Information

I9 Sch. 11 para. 12 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

13. In section 4(2) (regulations regarding reconsideration) after “and” insert “ may prescribe ”.

Commencement Information

I10 Sch. 11 para. 13 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

14.—(1) Section 5 (appeals to appeal tribunal) is amended as follows.

(2) After subsection (1) insert—

“(1A) Regulations may provide that, in such cases or circumstances as may be prescribed, a person may appeal against a determination made on a claim only if the Department has decided whether to reconsider the determination under section 4.

(1B) The regulations may in particular provide that that condition is met only where—

- (a) the decision of the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the decision of the Department satisfied any other condition specified in the regulations.”

(3) In subsection (4)(c) after “an appeal under subsection (1)(a)” insert “ (or, where in accordance with regulations under subsection (1A) there is no right of appeal, any purported appeal) ”.

Commencement Information

I11 Sch. 11 para. 14 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

15. In section 10(2) (Assembly control) after “section 1” insert “ or 5(1A) ”.

Commencement Information

I12 Sch. 11 para. 15 in operation at 17.3.2016 by S.R. 2016/166, art. 2(b)

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Changes and effects yet to be applied to :

- Sch. 11 para. 9-11 repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- specified provision(s) amendment to earlier commencing [S.R. 2009/4](#) by [S.R. 2019/107 art. 2](#)
- specified provision(s) amendment to earlier commencing [S.R. 2017/190](#) by [S.R. 2019/4 art. 5](#)
- specified provision(s) amendment to earlier commencing [S.R. 2017/190](#) by [S.R. 2019/7 art. 3](#)
- specified provision(s) amendment to earlier commencing [S.R. 2017/216](#) by [S.R. 2018/1 art. 7](#)
- specified provision(s) amendment to earlier commencing [SR 2016/46](#), art. 5(a) by [S.R. 2016/166 art. 3](#)

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

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

- Pts. 25 modified by [S.R. 2019/212 art. 2\(2\)\(g\)](#) (This amendment not applied to [legislation.gov.uk SR 2019/212](#) revoked (19.12.2020) by [SR 2020/348](#), art. 1(2)(2))
- art. 56(1) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)