
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 293

**The Social Security (Adjudication)
Regulations (Northern Ireland) 1995**

PART III

ADJUDICATING AUTHORITIES

SECTION B —

ADJUDICATION OFFICERS

Notification of decisions

18.—(1) Subject to paragraph (2) and regulation 55 (notification of decisions in income support cases), the decision of an adjudication officer on any claim or question and the reasons for it shall be notified in writing to the claimant who shall at the same time be informed—

- (a) in the case of a decision of an adjudication officer—
 - (i) under section 19 of the Administration Act relating to attendance allowance, disability living allowance or disability working allowance, or
 - (ii) on a review under section 28(2) or (4) or section 33 of that Act, of his right to a review under section 28(1) of that Act;
- (b) in the case of a decision of an adjudication officer under section 28(1) of that Act, of his right of appeal—
 - (i) to a disability appeal tribunal where the appeal relates to the determination of a disability question, and
 - (ii) to an appeal tribunal in any other case; and
- (c) in all other cases, of his right of appeal to an appeal tribunal under section 20 of that Act.

(2) Paragraph (1) does not apply in relation to a decision (other than a decision given on review) awarding benefit for a period which begins immediately after a period in respect of which the claimant had been awarded benefit of the same kind and at the same rate as that awarded by the first-mentioned decision.

Procedure on claim or question involving questions for determination by the Department

19.—(1) Where an adjudication officer has decided any claim or question on an assumption of facts as to which there appeared to him to be no dispute, but concerning which, had a question arisen, that question would have fallen for determination by the Department, it shall be deemed to be a sufficient compliance with the requirements of regulation 18 as to notification to the claimant, to give him notice in writing informing him of the decision and of the reasons for it and that, if he is dissatisfied with the decision, he should reply to that effect, giving the reasons for his dissatisfaction.

(2) Where—

- (a) the claimant replies to the notice referred to in paragraph (1) expressing his dissatisfaction with the decision;
- (b) after any appropriate investigations and explanations have been made, the claimant nonetheless remains dissatisfied with the decision; and
- (c) an adjudication officer certifies that the sole ground for dissatisfaction appears to be the assumption referred to in paragraph (1)

the claimant shall be notified in writing of his right to apply for the determination by the Department of the question arising on the assumption.

(3) Where the Department's decision—

- (a) upholds the assumption, section 20(3) of the Administration Act shall apply as if the adjudication officer had given the certificate therein referred to;
- (b) does not uphold the assumption, the Department's decision may be treated by the adjudication officer as an application for the review of the adjudication officer's decision, and, for the purposes of regulation 59 (review of decisions involving payment or increase of benefit other than industrial injuries benefit, income support, family credit or disability working allowance), the date of the claimant's application for the Department's decision shall be treated as the date of the application for review.

Reference by an employee of questions relating to statutory sick pay or statutory maternity pay for determination by an adjudication officer

20.—(1) A question in relation to statutory sick pay or statutory maternity pay to which sections 18(3), 19(4), 20(1) and (2) and 21(2) of the Administration Act apply may be submitted to an adjudication officer by the employee concerned in accordance with paragraphs (2) and (3) and not otherwise.

(2) A reference of any such question by an employee shall be made by way of an application in writing in a form approved for the purpose by the Department or in such other manner, being in writing, as it may accept as sufficient in the circumstances.

(3) Such an application made by an employee shall—

- (a) be delivered or sent to an office of the Department within six months of the earliest day in respect of which liability for statutory sick pay or statutory maternity pay is in dispute; and
- (b) state the grounds (if any) on which the applicant's employer has denied liability for statutory sick pay or statutory maternity pay in respect of the period specified in the application.

Reference of a special question in child benefit cases

21.—(1) In this regulation—

“child benefit” means child benefit under Part IX of the Contributions and Benefits Act;

“question” means any question as to the right to child benefit other than a special question; and

“special question” means any question relating to child benefit which, under the provisions of Schedule 10 to the Contributions and Benefits Act or regulations made under the Acts, falls to be determined by the Department in its discretion; any question whether an establishment is a recognised educational establishment as defined in section 143(1) of the Contributions and Benefits Act or any question which by virtue of the provisions of regulation 5 of the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976(1) falls to be

determined by the Department under the provisions of the Administration Act as if it were a question arising under that Act.

(2) Paragraphs (3) and (4) apply where on consideration of any claim or question an adjudication officer is of the opinion that there arises a special question.

(3) Subject to paragraph (4), the adjudication officer shall—

- (a) refer the question so arising for determination by the Department; and
- (b) deal with any other question as if the question so referred had not arisen.

(4) The adjudication officer may—

- (a) postpone the reference of, or dealing with, any question until other questions have been determined; and
- (b) in cases where the determination of any question disposes of a claim, or any part of it, determine that question and dispose of the claim or that part of it, without referring or dealing with any other question.