
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 242

**SOCIAL SECURITY
FAMILY LAW
CHILD SUPPORT
PENSIONS**

The Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations (Northern Ireland) 1999

Made - - - - *25th May 1999*
Coming into operation *1st June 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 8(6) and 74(1), (3) and (6) of the Social Security (Northern Ireland) Order 1998⁽¹⁾ and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made by virtue of that Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st June 1999.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

2. In regulation 36 of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999⁽²⁾ (composition of appeal tribunals)—

(a) for paragraph (2) there shall be substituted the following paragraph—

“(2) Subject to paragraphs (3) to (5), an appeal tribunal shall consist of a legally qualified panel member and—

(a) a medically qualified panel member where—

(i) the issue, or one of the issues, raised on the appeal is whether the all work test is satisfied, or

(1) S.I. 1998 No. 1506 (N.I. 10)
(2) S.R. 1999 No. 162

- (ii) the appeal is made under Article 13(1)(b) of the Recovery of Benefits Order; or
- (b) one or two medically qualified panel members or one medically qualified panel member and an additional member drawn from the panel for the purposes described in paragraph (5) where the issue, or one of the issues, raised on the appeal relates to—
 - (i) industrial injuries benefit under Part V of the Contributions and Benefits Act, or
 - (ii) severe disablement allowance under section 68 of that Act.”;
- (b) in paragraph (5) for “paragraph (1), (2) or” there shall be substituted “paragraph (1), (2) (a) or”; and
- (c) after paragraph (6) there shall be added the following paragraph—
 - “(7) In paragraph (2)(a)(i) “the all work test” has the same meaning as in regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(3).”.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

25th May 1999.

John O'Neill
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend regulation 36 of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 to provide that an appeal tribunal hearing an appeal which—

is made under Article 13(1)(b) of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 or which concerns the all work test (as defined in regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995) shall consist of a legally qualified panel member and a medically qualified panel member; or

concerns industrial injuries benefit or severe disablement allowance shall consist of a legally qualified member and—

- (a) one or two medically qualified panel members; or
- (b) one medically qualified panel member and an additional member drawn from the panel constituted under Article 7 of the Social Security (Northern Ireland) Order 1998 (“the Order”) for the purposes of providing further experience for that additional member or for assisting the President in the monitoring of standards of decision-making by panel members.

Article 8(6) of the Order, one of the enabling provisions under which these Regulations are made, was brought into operation, for the purpose only of authorising the making of regulations on 10th March 1999, by virtue of the Social Security (1998 Order) (Commencement No. 4) Order (Northern Ireland) 1999 (S.R. 1999 No. 102 (C. 13)). As the Regulations are made before the end of the period of 6 months from the commencement of that provision, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992, from reference to the Social Security Advisory Committee.