
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 472 (C. 36)

SOCIAL SECURITY

**The Social Security (1998 Order) (Commencement No. 11
and Consequential and Transitional Provisions) Order
(Northern Ireland) 1999**

Made 26th November 1999

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 1(2) and (4) of the Social Security (Northern Ireland) Order 1998(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Social Security (1998 Order) (Commencement No. 11 and Consequential and Transitional Provisions) Order (Northern Ireland) 1999.

(2) In this Order “the Order” means the Social Security (Northern Ireland) Order 1998.

Appointed day

2.—(1) Subject to paragraph (2), the day appointed for the coming into operation of—

- (a) the provisions of the Order specified in Schedule 1; and
- (b) Articles 3 and 5 to 8 of the Order in so far as they relate to—
 - (i) statutory sick pay under Part XI of the Contributions and Benefits Act, and
 - (ii) statutory maternity pay under Part XII of that Act,

in so far as they are not already in operation, is 29th November 1999.

(2) Paragraph (1)(a) shall not apply in relation to—

- (a) housing benefit; or
- (b) decisions to which Article 4(6) of the Social Security Contributions (Transfer of Functions, etc.) (1999 Order) (Commencement No. 1 and Transitional Provisions) Order (Northern Ireland) 1999(b) applies.

(3) The day appointed for the coming into operation of paragraph 10 of Schedule 1 to the Order (appeal tribunals: supplementary provisions) and Articles 6(3) and 8(7) of the Order in so far as they relate to it is 31st March 2000.

(a) S.I. 1998/1506 (N.I. 10)
(b) S.R. 1999 No. 149 (C. 15)

Commencement

3. This Article and Articles 4 to 23 shall come into operation on 29th November 1999 and shall not have effect in relation to—

- (a) working families' tax credit;
- (b) disabled person's tax credit; or
- (c) decisions to which Article 4(6) of the Social Security Contributions (Transfer of Functions, etc.) (1999 Order) (Commencement No. 1 and Transitional Provisions) Order (Northern Ireland) 1999 applies.

CONSEQUENTIAL AMENDMENTS

Amendment of the Social Security Benefit (Dependency) Regulations

4.—(1) The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(a) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) for the definition of “the determining authority”(b) there shall be substituted the following definition—

“ “the determining authority” means, as the case may require, the Department, an appeal tribunal to which there is a right of appeal pursuant to Article 13 of the Social Security (Northern Ireland) Order 1998 or a Commissioner to whom an appeal lies under Article 15 of that Order;”.

(3) In regulation 3(4)(b) (allocation of contributions for spouse or children)—

- (a) for “varied on review” there shall be substituted “superseded”;
- (b) for “such review” there shall be substituted “such supersession”; and
- (c) for “the review” there shall be substituted “the supersession”.

Amendment of the Social Security (General Benefit) Regulations

5.—(1) The Social Security (General Benefit) Regulations (Northern Ireland) 1984(c) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) for the definition of “determining authority”(d) there shall be substituted the following definition—

“ “the determining authority” means, as the case may require, the Department, an appeal tribunal to which there is a right of appeal pursuant to Article 13 of the Social Security (Northern Ireland) Order 1998 or a Commissioner to whom an appeal lies under Article 15 of that Order;”.

(a) S.R. 1977 No. 74; relevant amending regulations are S.R. 1983 No. 193 and S.R. 1984 No. 174
(b) The definition of “the determining authority” was substituted by regulation 8 of S.R. 1984 No. 174
(c) S.R. 1984 No. 92; relevant amending regulations are S.R. 1984 No. 174 and S.R. 1992 No. 6
(d) The definition of “determining authority” was substituted by regulation 26(a) of S.R. 1984 No. 174 and amended by regulation 7(2) of S.R. 1992 No. 6

(3) In regulation 11 (further definition of the principles of assessment of disablement and prescribed degrees of disablement)—

- (a) in paragraphs (7) and (8)(a) for “the medical appeal tribunal, the adjudicating medical practitioner or 2 or more adjudicating medical practitioners (as the case may be)” there shall be substituted “the Department or, as the case may be, an appeal tribunal”; and
- (b) paragraph (9) shall be omitted.

Amendment of the Social Fund (Maternity and Funeral Expenses) (General) Regulations

6. In regulation 3(4) of the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(b) (provision against double payment)—

- (a) in sub-paragraph (a) for “reviewed” there shall be substituted “revised”; and
- (b) in sub-paragraph (b) “on that review” shall be omitted.

Amendment of the Income Support (General) Regulations

7.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(c) shall be amended in accordance with paragraphs (2) to (12).

(2) Subject to paragraphs (7) and (10), for “an adjudication officer” and “the adjudication officer” in each place where they occur there shall be substituted “the Department”.

(3) In regulation 2(1) (interpretation) after the definition of “the 1972 Order” there shall be inserted the following definition—

“ “the 1998 Order” means the Social Security (Northern Ireland) Order 1998;”.

(4) In regulation 5(2)(b)(ii) (persons treated as engaged in remunerative work) for “of review” there shall be substituted “on which a superseding decision is made under Article 11 of the 1998 Order”.

(5) In regulation 38(7) (calculation of net profit of self-employed earners) for “he” there shall be substituted “it”.

(6) In regulation 41(d) (capital treated as income) for paragraph (1) there shall be substituted the following paragraph—

“(1) Capital which is payable by instalments which are outstanding on—

- (a) the first day in respect of which income support is payable or the date of the determination of the claim, whichever is earlier; or
- (b) in the case of a supersession, the date of that supersession,

(a) Paragraphs (7) and (8) were amended and paragraph (9) was added by regulation 26(c) of S.R. 1984 No. 174

(b) S.R. 1987 No. 150; relevant amending regulations are S.R. 1997 No. 472

(c) S.R. 1987 No. 459; relevant amending regulations are S.R. 1989 Nos. 139 and 395, S.R. 1990 No. 137, S.R. 1995 Nos. 301 and 367, S.R. 1996 No. 93 and S.R. 1997 No. 22

(d) Regulation 41(1) was amended by regulation 5(2) of S.R. 1990 No. 137 and regulation 3(1) of S.R. 1997 No. 22

shall be treated as income if the aggregate of the instalments outstanding and the amount of the claimant's capital otherwise calculated in accordance with Chapter VI of this Part exceeds £8,000 or, in a case where regulation 45(b)(a) applies, £16,000.”.

(7) In regulation 42 (notional income)—

(a) in paragraph (5) for “subsequent review the adjudication officer” there shall be substituted “revision or supersession the Department”; and

(b) in paragraph (6) for “satisfies him” there shall be substituted “satisfies the Department”.

(8) In regulation 44 (modifications in respect of children and young persons) for paragraph (1) there shall be substituted the following paragraph—

“(1) Any capital of a child or young person payable by instalments which are outstanding on—

(a) the first day in respect of which income support is payable or at the date of the determination of the claim, whichever is the earlier; or

(b) in the case of a supersession, the date of that supersession, shall be treated as income if the aggregate of the instalments outstanding and the amount of that child's or young person's other capital calculated in accordance with Chapter VI of this Part in like manner as for the claimant would exceed £3,000.”.

(9) In regulation 49(b)(i) (calculation of capital in the United Kingdom) for “review, the date of any subsequent review” there shall be substituted “supersession, the date of that supersession”.

(10) In regulation 69 (disregard of changes occurring during summer vacation) for “an adjudication officer shall disregard” there shall be substituted “there shall be disregarded”.

(11) In Schedule 3(b) (housing costs)—

(a) in paragraph 13 (excessive housing costs)—

(i) for sub-paragraph (6) there shall be substituted the following sub-paragraph—

“(6) Where sub-paragraph (4) does not apply and the claimant (or other member of the family) was able to meet the financial commitments for the dwelling occupied as the home when these were entered into, no restriction shall be made under this paragraph during the 26 weeks immediately following the date on which—

(a) the claimant became entitled to income support where his housing costs fell within one of the cases in sub-paragraph (1) on that date; or

(b) a decision took effect which was made under Article 11 of the 1998 Order on the ground that the claimant's housing costs fell within one of the cases in sub-paragraph (1),

(a) Regulation 45 was substituted by regulation 11(1)(a) of S.R. 1996 No. 93

(b) Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301

nor during the next 26 weeks if and so long as the claimant uses his best endeavours to obtain cheaper accommodation.”; and

(ii) in sub-paragraph (8)(b) “on appeal or review” shall be omitted; and

(b) in paragraph 14 (linking rule)—

(i) in sub-paragraph (1)(a)(i) for “held, on appeal or review,” there shall be substituted “determined”,

(ii) in sub-paragraph (1)(b) for “held on appeal or review” there shall be substituted “determined”, and

(iii) in sub-paragraph (2)(a) “on review” shall be omitted.

(12) In Schedule 3B(a) (protected sum), in paragraph 3(4) (persons not entitled to a protected sum)—

(a) “on review” in each place where it occurs shall be omitted; and

(b) in head (a) for “that review” there shall be substituted “that determination”.

Amendment of the Housing Benefit (General) Regulations

8.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(b) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) the definition of “adjudication officer”(c) shall be omitted.

(3) In regulation 95(4A)(d) (withholding of benefit) for “an adjudication officer” in both places where it occurs there shall be substituted “the Department”.

Amendment of the Social Security (Claims and Payments) Regulations

9.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(e) shall be amended in accordance with paragraphs (2) to (14).

(2) Subject to paragraphs (5)(b), (9) and (14), for “the adjudicating authority” and “an adjudicating authority” in each place where they occur there shall be substituted “the Department”.

(3) In regulation 2(1) (interpretation)—

(a) the definition of “adjudicating authority” shall be omitted; and

(b) in the definition of “claim for benefit” in paragraph (c) for “the review of an award or”—

(a) Schedule 3B was inserted by paragraph 18 of Schedule 1 to S.R. 1989 No. 139 and paragraph 3(4) was added by regulation 9(c)(ii) of S.R. 1989 No. 395

(b) S.R. 1987 No. 461; relevant amending regulations are S.R. 1995 Nos. 89 and 129 and S.R. 1996 No. 334

(c) The definition of “adjudication officer” was inserted by regulation 2 of S.R. 1995 No. 129

(d) Paragraph (4A) was inserted by regulation 9(a) of S.R. 1995 No. 89 and amended by regulation 17 of S.R. 1996 No. 334

(e) S.R. 1987 No. 465; relevant amending provisions are S.R. 1988 Nos. 67 and 141, S.R. 1989 Nos. 40 and 398, S.R. 1990 No. 398, S.R. 1991 No. 488, S.R. 1992 Nos. 83 and 271, S.R. 1993 Nos. 146, 149, 217 and 375, S.R. 1996 Nos. 354 and 432, S.R. 1998 No. 182 and S.R. 1999 Nos. 246 (C. 20) and 428 (C. 32)

- (i) in the first place where it occurs there shall be substituted “a revision under Article 10 of the 1998 Order or supersession under Article 11 of that Order of”, and
 - (ii) in the second place where it occurs there shall be substituted “a revision or a supersession of”.
- (4) In regulation 3 (claims not required for entitlement to benefit in certain cases) for paragraph (g)(a) there shall be substituted the following paragraph—
- “(g) in the case of a jobseeker’s allowance where—
- (i) payment of benefit has been suspended under regulation 16(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999, and
 - (ii) the claimant, whose benefit has been suspended, satisfies the conditions of entitlement (apart from the requirement to claim) to that benefit immediately the suspension ends;”.
- (5) In regulation 13 (advance claims and awards)—
- (a) in paragraph (1) for “that authority” there shall be substituted “the Department”; and
 - (b) in paragraph (2) for “An award under paragraph (1)(b) shall be reviewed by the adjudicating authority” there shall be substituted “A decision pursuant to paragraph (1)(b) to award benefit may be revised under Article 10 of the 1998 Order”.
- (6) In regulation 17(7) (duration of awards) “; and where those requirements are not satisfied the award shall be reviewed” shall be omitted.
- (7) In regulation 26(b) (income support)—
- (a) in paragraph (1) for “the day when any change of circumstances affecting entitlement is to have” there shall be substituted “the date from which a superseding decision on the ground of a relevant change of circumstances has”; and
 - (b) in paragraphs (2) and (3) “on review” shall be omitted.
- (8) In regulation 26A(c) (jobseeker’s allowance)—
- (a) in paragraph (4)—
 - (i) for “an award of jobseeker’s allowance is revised or superseded” there shall be substituted “a decision in respect of a claim for jobseeker’s allowance is superseded”, and
 - (ii) for “revised or superseded award” there shall be substituted “supersession”;
 - (b) in paragraph (5) for “revised or superseded award” in both places where it occurs there shall be substituted “supersession”;

(a) Paragraph (g) was added by regulation 2(3) of S.R. 1996 No. 354 and amended by Article 5(3) of S.R. 1999 No. 428 (C. 32)

(b) Regulation 26 was amended by regulation 6 of S.R. 1988 No. 141, regulation 4 of S.R. 1989 No. 40 and regulation 2(3) of S.R. 1993 No. 217

(c) Regulation 26A was inserted by regulation 2(14) of S.R. 1996 No. 354 and amended by regulation 6(2) of S.R. 1998 No. 182 and Article 5(6) of S.R. 1999 No. 428 (C. 32)

- (c) in paragraph (6)—
 - (i) for “revised or superseded award” there shall be substituted “supersession”, and
 - (ii) for “the award is again revised or superseded, the award, as again revised or superseded” there shall be substituted “a further superseding decision is made, that further superseding decision”;
- (d) in paragraph (7) for “revised or superseded award, that revised or superseded award” there shall be substituted “supersession, that supersession”; and
- (e) in paragraph (8) for “will be impracticable to give effect to that revised or superseded award in accordance with the other provisions of this regulation, the revised or superseded award” there shall be substituted “is impracticable for a supersession to have effect in accordance with the other provisions of this regulation, the supersession”.

(9) In regulation 31(4) (time and manner of payments of industrial injuries gratuities) “but any such decision may be varied by any adjudicating authority by whom the award of that gratuity is varied” shall be omitted.

(10) In Part V (suspension and extinguishment), in the heading “SUSPENSION AND” shall be omitted.

(11) In regulation 37(2A)(a) (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period)—

- (a) in sub-paragraph (a) for “the Department has” there shall be substituted “it”; and
- (b) in sub-paragraph (c)—
 - (i) “the Department has certified” and “that”, in each place where it occurs, shall be omitted, and
 - (ii) in head (ii) for “it” there shall be substituted “the Department”.

(12) In Schedule 7 (manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases)—

- (a) in the heading for “change of circumstances” there shall be substituted “superseding decision”; and
- (b) in paragraph 7(b) (date when change of circumstances is to take effect)—
 - (i) for the heading there shall be substituted “Date from which superseding decision on ground of change of circumstances takes effect”,
 - (ii) in sub-paragraph (1) for “changed because of a change of circumstances that change of circumstances” there shall be

(a) Paragraph (2A) was inserted by regulation 6(3) of S.R. 1989 No. 398 and amended by regulation 3(10) of S.R. 1993 No. 375

(b) Paragraph 7 was substituted by regulation 7(9) of S.R. 1990 No. 398 and amended by regulation 7(10)(b) of S.R. 1992 No. 83, paragraph 3(2) of Schedule 2 to S.R. 1993 No. 149 and regulation 6(3) of S.R. 1998 No. 182

- substituted “changed by a superseding decision made on the ground of a change of circumstances that superseding decision”,
- (iii) in sub-paragraph (2) for “the decision given on review” there shall be substituted “the superseding decision”, and
 - (iv) for sub-paragraphs (4) to (6) there shall be substituted the following sub-paragraphs—

“(4) A superseding decision made in consequence of a payment of income being treated as paid on a particular day under regulation 31(1)(b) or (2) or 39C(3)(a) of the Income Support Regulations shall have effect on the day on which that payment is treated as paid.

(5) Where—

- (a) it is decided upon supersession on the ground of a relevant change of circumstances that the amount of income support is, or is to be, reduced; and
- (b) the Department certifies that it is impracticable for a superseding decision to have effect from the day prescribed in the preceding sub-paragraphs (other than where sub-paragraph (3)(f) or (4) applies),

that superseding decision shall have effect—

- (i) where the relevant change has occurred, from the first day of the benefit week following that in which the superseding decision is made, or
- (ii) where the relevant change is expected to occur, from the first day of the benefit week following that in which the change of circumstances is expected to occur.

(6) Where—

- (a) a superseding decision (“the former supersession”) was made on the ground of a relevant change of circumstances in the cases set out in sub-paragraph (3)(b) to (f); and
- (b) that superseding decision is itself superseded by a subsequent decision because the circumstances which gave rise to the former supersession cease to apply (“the second change”),

that subsequent decision shall have effect from the date of the second change.”.

(13) In Schedule 8A(b) (deductions from benefits and direct payment to third parties)—

- (a) in paragraph 6(4) (fuel costs) for “that determination falls to be reviewed” there shall be substituted “a decision which embodies that determination falls to be superseded”; and

(a) Regulation 39C was inserted by regulation 3(3) of S.R. 1998 No. 182

(b) Schedule 8A was inserted by S.R. 1988 No. 67; relevant amending provisions are S.R. 1993 No. 146 and S.R. 1999 No. 246 (C. 20)

(b) in paragraph 7A(1)(a) (payments in place of payments of child support maintenance) for “that Order” there shall be substituted “the Child Support (Northern Ireland) Order 1991”.

(14) In Schedule 8B(b) (deductions of mortgage interest from benefit and payment to qualifying lenders), in paragraph 3(1) (specified part of relevant benefit) for “the adjudicating authority in accordance with regulation 34ZA, shall be paid by the Department” there shall be substituted “the Department in accordance with regulation 34ZA, shall be paid”.

Amendment of the Social Fund (Application for Review) Regulations

10. In regulation 2 of the Social Fund (Application for Review) Regulations (Northern Ireland) 1988(c) (manner of making application for review or further review and time limits)—

(a) in paragraph (1) for “a social fund officer” in both places where it occurs there shall be substituted “an appropriate officer”; and

(b) in paragraphs (3) and (5) for “the social fund officer” there shall be substituted “the appropriate officer”.

Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations

11.—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(d) shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the Order” there shall be inserted the following definition—

“ “the 1998 Order” means the Social Security (Northern Ireland) Order 1998;” and

(b) for the definition of “adjudicating authority”(e) there shall be substituted the following definition—

“ “adjudicating authority” means, as the case may require, the Department, an appeal tribunal to which there is a right of appeal pursuant to Article 13 of the 1998 Order or a Commissioner to whom an appeal lies under Article 15 of that Order;”.

(3) In regulation 2(1)(b) (making of interim payments) for “a reference, review,” there shall be substituted “an”.

(4) In regulation 5(2) (offsetting prior payment against subsequent award)—

(a) for Case 1 there shall be substituted—

(a) Paragraph 7A was inserted by regulation 2(3) of S.R. 1993 No. 146 and sub-paragraph (1) was amended by Article 5 of S.R. 1999 No. 246 (C. 20)

(b) Schedule 8B was inserted by S.R. 1992 No. 271 and paragraph 3(1) was substituted by S.R. 1995 No. 301 and amended by S.R. 1996 No. 354

(c) S.R. 1988 No. 20, to which there are amendments not relevant to this order

(d) S.R. 1988 No. 142; relevant amending regulations are S.R. 1992 No. 6

(e) The definition of “adjudicating authority” was amended by regulation 14(2)(a) of S.R. 1992 No. 6

“Case 1: Payment pursuant to a decision which is revised, superseded or overturned on appeal

Where a person has been paid a sum by way of benefit pursuant to a decision which is subsequently revised under Article 10 of the 1998 Order, superseded under Article 11 of that Order or overturned on appeal.”; and

(b) in Case 2 “, on review or appeal,” shall be omitted.

(5) In regulation 8(2) (duplication and prescribed payments) for “on review” there shall be substituted “by way of revision or supersession”.

(6) In Part VI (revision of determination and calculation of amount recoverable), in the heading “REVISION OF DETERMINATION AND” shall be omitted.

(7) In regulation 12 (circumstances in which determination need not be revised)—

(a) in the heading for “revised” there shall be substituted “reversed, varied, revised or superseded”;

(b) for “or revision of determination” there shall be substituted “, revision or supersession”; and

(c) for “for reviewing and revising the determination under which payment was made” there shall be substituted “for the decision pursuant to which the payment was made to be revised under Article 10 of the 1998 Order or superseded under Article 11 of that Order”.

(8) In regulation 23 (increase of amount of award on appeal or review)—

(a) in the heading for “review” there shall be substituted “otherwise”;

(b) for “on review by an adjudicating authority” there shall be substituted “otherwise”; and

(c) in paragraph (b) for “were the earnings subsequently reviewed under regulation 24” there shall be substituted “,where a notice of variation of protected earnings is given under regulation 24, were the earnings stated in that notice”.

(9) In regulation 24 (review of determination of protected earnings)—

(a) for the heading there shall be substituted “Notice of variation of protected earnings”;

(b) paragraph (1) shall be omitted; and

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

“(2) The Department shall give a claimant’s employer written notice varying the deduction notice where a decision as to a claimant’s protected earnings is revised or superseded.”.

(10) In regulation 25(2)(b) (power to serve further deduction notice on resumption of employment) for “reviewed under regulation 24” there shall be substituted “varied”.

(11) In regulation 26 (right of the Department to recover direct from the claimant) for “the Department has received a decision of the adjudicating authority under regulation 19 and it is at any time not practicable for it” there shall be substituted “, at any time, it is not practicable for the Department”.

Amendment of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations

12.—(1) The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations (Northern Ireland) 1996^(a) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “the 1996 Order” there shall be inserted the following definition—

“ “the 1998 Order” means the Social Security (Northern Ireland) Order 1998;”.

(3) In Part IV (determination and review of benefit recouped), in the heading “and Review” shall be omitted.

(4) In regulation 10 (provisions relating to determination of amount paid by way of or as on account of benefit) for paragraphs (2) and (3) there shall be substituted the following paragraphs—

“(2) Where an employee has given notice in writing to the Department under paragraph (1) that he does not accept that an amount specified in the recoupment notice is correct, the Department shall make a decision as to the amount of jobseeker's allowance or, as the case may be, income support paid in respect of the period to which the prescribed element is attributable or, as appropriate, in respect of so much of the protected period as falls before the date on which the employer complies with regulation 6.

(2A) The Department may revise, either on an application made for the purpose or on its own initiative, a decision under paragraph (2).

(2B) The employee shall have a right of appeal to an appeal tribunal constituted under Chapter I of Part II of the 1998 Order against a decision of the Department whether as originally made under paragraph (2) or as revised under paragraph (2A).

(2C) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 shall apply for the purposes of paragraphs (2A) and (2B) as if a decision of the Department under paragraph (2A) were made under Article 10 of the 1998 Order and any appeal from such a decision were made under Article 13 of that Order.

(3) Where the Department recovers too much money from an employer under these Regulations it shall pay to the employee an amount equal to the excess.”.

Amendment of the Social Security (Back to Work Bonus) (No. 2) Regulations

13.—(1) The Social Security (Back to Work Bonus) (No. 2) Regulations (Northern Ireland) 1996^(b) shall be amended in accordance with paragraphs (2) to (5).

(2) In—

(a) regulation 5(4)(c)(ii) and (6) (periods of entitlement which do not qualify);

(a) S.R. 1996 No. 459

(b) S.R. 1996 No. 519, to which there are amendments not relevant to this order

- (b) regulation 8(5)(b) (amount payable); and
 - (c) regulation 25(1) (award of bonus),
- for “adjudication officer” there shall be substituted “Department”.
- (3) In regulation 8(4)(c) and (d) for “review” there shall be substituted “revision or supersession”.
 - (4) In regulation 9(2) (Department to issue estimates) for “upon the adjudication officer when he makes his” there shall be substituted “when it makes its”.
 - (5) In regulation 25(1) for “he” there shall be substituted “it”.

Amendment of the Social Security Benefit (Computation of Earnings) Regulations

14.—(1) The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(a) shall be amended in accordance with paragraphs (2) to (7).

(2) Subject to paragraphs (4) and (6)(a), for “the adjudicating authority” and “an adjudicating authority” in each place where they occur there shall be substituted “the Department”.

(3) In regulation 2(1) (interpretation)—

(a) after the definition of “the Employment Rights Order” there shall be inserted the following definition—

“ “the Order” means the Social Security (Northern Ireland) Order 1998;” and

(b) the definition of “adjudicating authority” shall be omitted.

(4) In regulation 4 (notional earnings)—

(a) in paragraph (1) for “of the determination of the claim or of any subsequent review, the adjudicating authority shall treat the claimant” there shall be substituted “on which a decision falls to be made by the Department under Chapter II of Part II of the Order or regulations made thereunder, the claimant shall be treated”; and

(b) in paragraph (2) for “the adjudicating authority shall treat the claimant” there shall be substituted “the claimant shall be treated”.

(5) In regulation 6(8) (calculation of earnings of employed earners), in paragraph (b)(ii)(bb) of the definition of “part-time employment” for “of review” there shall be substituted “on which a revision or supersession of a decision falls to be made”.

(6) In regulation 13(8) (calculation of net profit of self-employed earners)—

(a) for “The adjudicating authority shall refuse to make a deduction” there shall be substituted “A deduction shall not be made”; and

(b) for “it is not” there shall be substituted “the Department is not”.

(7) In regulation 14(2) (deduction of tax and contributions for self-employed earners) for “of the determination of the claim or of any subsequent

(a) S.R. 1996 No. 520, to which there are amendments not relevant to this order

review” in both places where it occurs there shall be substituted “on which a decision is made by the Department under Chapter II of Part II of the Order or regulations made thereunder”.

Amendment of the Social Security (Recovery of Benefits) Regulations

15. In regulation 12 of the Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997^(a) (transitional provisions)—

(a) for paragraph (3) there shall be substituted the following paragraphs—

“(3) Any appeal under section 94 of the Administration Act made on or after 6th October 1997 shall be referred to an appeal tribunal.

(3A) Any appeal made before 6th October 1997 which has not been referred to a medical appeal tribunal or a social security appeal tribunal shall be referred to and determined by an appeal tribunal.

(3B) Any appeal made before 6th October 1997 and referred to a medical appeal tribunal shall be determined by an appeal tribunal which shall determine all issues.

(3C) Any appeal made before 6th October 1997 and referred to a social security appeal tribunal shall be determined by an appeal tribunal which shall consist of a legally qualified panel member and, in making its determination, the appeal tribunal shall be bound by any decision of a medical appeal tribunal to which a question under section 94(5) of the Administration Act was referred.

(3D) An appeal tribunal shall completely rehear any appeal under section 94 of the Administration Act which stands adjourned immediately before 29th November 1999.

(3E) Where a Commissioner holds that the decision of a medical appeal tribunal or a social security appeal tribunal on an appeal made before 6th October 1997 was erroneous in law and refers the case to an appeal tribunal, that appeal tribunal shall determine all issues in accordance with the Commissioner’s direction.

(3F) Regulations 11 and 12 of the Recoupment Regulations shall have effect in relation to any appeal under section 94 of the Administration Act made on or after 6th October 1997 as if for “chairman” in each place where it occurs there were substituted “legally qualified panel member”.

(3G) Regulation 13 of the Recoupment Regulations shall have effect in relation to any appeal under section 94 of the Administration Act made on or after 6th October 1997.

(3H) Any other transitional question arising from an appeal made under section 94 of the Administration Act in consequence of the coming into operation of the Decisions and Appeals Regulations shall be determined by a legally qualified panel member who may, for this purpose, give such directions consistent with these Regulations as are necessary.

(a) S.R. 1997 No. 429

(3I) For the purposes of paragraphs (3) to (3B) and (3E) an appeal tribunal shall be constituted under Chapter I of Part II of the Social Security (Northern Ireland) Order 1998 as if the appeal were made under Article 13(1)(b) of the Order.”; and

(b) after paragraph (7) there shall be added the following paragraph—

“(8) In this regulation—

“the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(a);

“the Recoupment Regulations” means the Social Security (Recoupment) Regulations (Northern Ireland) 1990(b);

“legally qualified panel member” has the same meaning as in regulation 1(2) of the Decisions and Appeals Regulations.”.

Amendment of the Social Fund Winter Fuel Payment Regulations

16.—(1) The Social Fund Winter Fuel Payment Regulations (Northern Ireland) 1998(c) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) the definition of “the Administration Act” shall be omitted.

(3) In regulation 4 (official records) for paragraph (2) there shall be substituted the following paragraph—

“(2) Paragraph (1) shall not apply so as to exclude the revision of a decision under Article 10 of the Social Security (Northern Ireland) Order 1998 or the supersession of a decision under Article 11 of that Order or the consideration of fresh evidence in connection with the revision or supersession of a decision.”.

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

17. In regulation 7 of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (date from which a decision superseded under Article 11 takes effect)—

(a) for paragraph (1) there shall be substituted the following paragraph—

“(1) This regulation—

(a) is, except for paragraph (2)(b), subject to regulations 26 and 26A of, and paragraph 7 of Schedule 7 to, the Claims and Payments Regulations; and

(b) contains exceptions to the provisions of Article 11(5) as to the date from which a decision under Article 11 which supersedes an earlier decision is to take effect.”; and

(b) in paragraph (2)—

(i) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

(a) S.R. 1999 No. 162

(b) S.R. 1990 No. 85, to which there are amendments not relevant to this order

(c) S.R. 1998 No. 3, to which there are amendments not relevant to this order

“(a) from the date the change occurred or, where the change does not have effect until a later date, from the first date on which such effect occurs where—

- (i) the decision is advantageous to the claimant, and
- (ii) the change was notified to an appropriate office within one month of the change occurring or within such longer period as may be allowed under regulation 8 for the claimant’s failure to notify the change on an earlier date;”, and

(ii) in sub-paragraph (c) head (i) shall be omitted.

Amendment of the Social Security (1998 Order) (Commencement No. 7 and Savings, Consequential and Transitional Provisions) Order and the Social Security (1998 Order) (Commencement No. 8 and Savings, Consequential and Transitional Provisions) Order

18. In Article 4(1) of the Social Security (1998 Order) (Commencement No. 7 and Savings, Consequential and Transitional Provisions) Order (Northern Ireland) 1999^(a) and Article 4 of the Social Security (1998 Order) (Commencement No. 8 and Savings, Consequential and Transitional Provisions) Order (Northern Ireland) 1999^(b) (savings) for “of the Order” there shall be substituted “and 78(2) of, and Schedule 7 to, the Order”.

Amendment of the Social Security (1998 Order) (Commencement No. 10 and Savings, Consequential and Transitional Provisions) Order

19.—(1) The Social Security (1998 Order) (Commencement No. 10 and Savings, Consequential and Transitional Provisions) Order (Northern Ireland) 1999^(c) shall be amended in accordance with paragraphs (2) and (3).

(2) In Article 4 (savings) for “of the Order” there shall be substituted “and 78(2) of, and Schedule 7 to, the Order”.

(3) In Article 6(2) (amendment of the Social Security (Attendance Allowance) Regulations) for “regulation 2(1)” there shall be substituted “regulation 1(2)”.

TRANSITIONAL PROVISIONS AND REVOCATIONS

Transitional provisions in relation to recovery of benefits

20.—(1) Notwithstanding regulation 59 of the Decisions and Appeals Regulations, regulation 2 of the Appeals Regulations shall continue to apply until 29th December 2000 in relation to any certificate of recoverable benefits in respect of which a right of appeal arose before 29th November 1999 subject to the modifications specified in paragraph (2).

(2) Regulation 2 of the Appeals Regulations shall have effect as if—

(a) for “chairman” in each place where it occurs there were substituted “legally qualified panel member”;

(a) S.R. 1999 No. 310 (C. 23)
(b) S.R. 1999 No. 371 (C. 28)
(c) S.R. 1999 No. 428 (C. 32)

(b) in paragraph (2) “of a medical appeal tribunal” were omitted;

(c) for paragraph (7) there were substituted the following paragraph—

“(7) Notwithstanding paragraph (2), no appeal may be brought after 29th December 2000.”;

(d) in paragraph (18) the words from “, notwithstanding that a condition” to the end were omitted; and

(e) after paragraph (18) there were added the following paragraph—

“(19) In this regulation “legally qualified panel member” has the same meaning as in regulation 1(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.”.

(3) Any appeal made (but not determined) before 29th November 1999 against a certificate of recoverable benefits shall be referred to, and determined by, an appeal tribunal under Article 14 of the Recovery of Benefits Order.

(4) Where a direction (“the direction”) was given under regulation 4(1) of the Appeals Regulations an appeal tribunal shall hold an oral hearing of an appeal where—

(a) a notification that a party to the proceedings wishes an oral hearing is received by the clerk to a medical appeal tribunal before 29th November 1999 or by the clerk to an appeal tribunal (notwithstanding that it was sent to the clerk to a medical appeal tribunal) after that date within—

(i) 10 days of receipt of the direction by that party, or

(ii) such other period as the clerk to, or the chairman of, the medical appeal tribunal may have directed or, as the case may be, the clerk to an appeal tribunal may direct, or

(b) the chairman or, in the case of an appeal tribunal which has only one member, that member, is satisfied that such a hearing is necessary to enable the appeal tribunal to reach a decision,

notwithstanding regulation 39 and Chapter III of Part V of the Decisions and Appeals Regulations.

(5) An appeal tribunal shall determine an appeal without an oral hearing where paragraph (4) does not apply.

(6) An appeal tribunal shall completely rehear any appeal to a medical appeal tribunal in relation to a certificate of recoverable benefits which stands adjourned immediately before 29th November 1999.

(7) A copy of a statement of—

(a) the reasons for a decision of a medical appeal tribunal in relation to a certificate of recoverable benefits; and

(b) its findings of fact material thereto,

shall be supplied to each party to the proceedings before that tribunal, if requested by any such party within 21 days of the date on which notification of that decision was given or sent.

(8) Notwithstanding regulation 59 of the Decisions and Appeals Regulations, and subject to paragraph (10), regulation 11 of the Appeals Regulations, and regulations 2(16) and (17) and 12 of those Regulations in so far as they relate to that regulation, shall continue to apply in relation to any application to set aside a decision of a medical appeal tribunal in relation to a certificate of recoverable benefits, subject to the modifications specified in paragraph (9).

(9) The Appeals Regulations shall have effect as if in—

(a) regulation 2(16) for “chairman” there were substituted “legally qualified panel member”;

(b) regulation 11(1) for “the tribunal which gave the decision or by another medical appeal tribunal” there were substituted “a legally qualified panel member”;

(c) regulation 11(2)—

(i) for “tribunal shall” in both places where it occurs there were substituted “legally qualified panel member shall”, and

(ii) for “it is satisfied” there were substituted “he is satisfied”;

(d) regulation 11(3)(b) after “the office of the clerk to the tribunal which made the relevant decision” there were inserted “or to the clerk to an appeal tribunal”; and

(e) regulation 11(4)—

(i) for “the chairman of the tribunal” there were substituted “a legally qualified panel member”, and

(ii) for “chairman” there were substituted “legally qualified panel member”.

(10) Paragraph (8) shall not apply in any case where an application to set aside a decision of a medical appeal tribunal is made after 29th December 2000.

(11) Subject to paragraph (12), any decision of a medical appeal tribunal under Article 14 of the Recovery of Benefits Order shall be treated as a decision of an appeal tribunal under that Article.

(12) Where paragraph (11) applies, any application for leave to appeal which is made for the purposes of Article 15(10)(a) of the Order shall be—

(a) made no later than three months after the date on which a copy of the statement of the reasons for the decision of the medical appeal tribunal was given or sent to the applicant; and

(b) determined by a legally qualified panel member.

(13) In this Article—

“the Appeals Regulations” means the Social Security (Recovery of Benefits) (Appeals) Regulations (Northern Ireland) 1997(a);

“the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(b);

(a) S.R. 1997 No. 430

(b) S.R. 1999 No. 162

“legally qualified panel member” has the same meaning as in regulation 1(2) of the Decisions and Appeals Regulations.

Transitional provisions in relation to relevant benefits

21.—(1) Any decision which fell to be made, but was not made, before 29th November 1999—

(a) on a claim for; or

(b) under or by virtue of Part II of the Administration Act in relation to, a relevant benefit (other than a decision which fell to be made on appeal) shall be made by the Department under Article 9(1)(a) or, as the case may be, (c) of the Order.

(2) Any application made under Part II of the Administration Act for a review of a decision in relation to a relevant benefit which was not decided before 29th November 1999 shall be treated as an application to the Department—

(a) where the application is not in respect of a decision made on appeal and is made—

(i) within three months of the date of notification of the decision or such longer period as may be allowed under paragraph (4), and

(ii) other than on the grounds of a relevant change of circumstances, for a revision of that decision under Article 10 of the Order; or

(b) in any other case, for a decision under Article 11 of the Order superseding that decision.

(3) Subject to paragraphs (4) and (5), the period of three months specified in paragraph (2)(a) may be extended where the application is made before 29th December 2000 by a claimant or a person acting on his behalf, containing—

(a) particulars of the grounds on which an extension of time is sought; and

(b) sufficient details of the decision to enable it to be identified.

(4) An application for an extension of time shall not be granted unless the Department is satisfied that—

(a) it is reasonable to grant the application;

(b) the application for review has merit; and

(c) special circumstances are relevant to the application for an extension of time and, as a result of those special circumstances, it was not practicable for the application for review to be made within three months of the date of notification of the decision which it is sought to have reviewed.

(5) In determining whether it is reasonable to grant an application for an extension of time, no account shall be taken of the following—

(a) that the claimant or any person acting for him was unaware of or misunderstood the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by paragraph (2)(a)); or

(b) that a Commissioner (including a Commissioner within the meaning of section 39(1) of the Social Security Act 1998^(a)) or a court has taken a different view of the law from that previously understood and applied.

(6) Where, by virtue of paragraph (2)(b)—

(a) a decision made under Article 11 of the Order is advantageous to the claimant; and

(b) the same decision could have been made on a review before 29th November 1999,

that decision shall take effect from the date on which it would have taken effect had the decision been so made.

(7) Any decision (other than a decision of a social security appeal tribunal or a Commissioner) made before 29th November 1999—

(a) on a claim for; or

(b) under or by virtue of Part II of the Administration Act in relation to, a relevant benefit, shall be treated as a decision of the Department under Article 9(1)(a) or, as the case may be, (c) of the Order.

(8) Where notice of a decision referred to in paragraph (7) was not given or sent to the claimant before 29th November 1999, the Department shall give or send notice of that decision to the claimant.

(9) Where, in relation to a relevant benefit—

(a) a decision was made before 29th November 1999; and

(b) the time limit within which an appeal may be made against that decision has not expired before that date,

notwithstanding regulation 59 of the Decisions and Appeals Regulations, regulation 3 of the Adjudication Regulations^(b) as it relates to the time within which an appeal may be made, or any extension of that period, shall continue to apply in relation to any appeal, subject to the modifications specified in paragraph (10).

(10) Regulation 3 of the Adjudication Regulations shall have effect as if—

(a) references to a tribunal, a chairman or to a person considering the application were references to a legally qualified panel member; and

(b) in paragraph (3E)(c) for the words from “six years” to the end there were substituted “29th December 2000”.

(11) Notwithstanding regulation 3 of the Decisions and Appeals Regulations, a decision made before 29th November 1999 on a claim for, or award of, a relevant benefit (other than a decision made on appeal) may be revised by the Department under Article 10 of the Order—

(a) 1998 c. 14

(b) Regulation 3 was amended by regulation 2(2) of S.R. 1996 No. 24 and regulation 3(4) of S.R. 1996 No. 457

(c) Paragraph (3E) was inserted by regulation 2(2)(b) of S.R. 1996 No. 24

- (a) pursuant to an application for a review of that decision made within three months of the date of notification of the decision; or
- (b) where an appeal has been made against that decision but not determined.

(12) Where a decision is revised pursuant to paragraph (11), the appeal shall lapse unless the revised decision is not more advantageous to the appellant than the decision before it was revised.

(13) Any appeal to a social security appeal tribunal in relation to a relevant benefit which was not determined before 29th November 1999 shall, without prejudice to Chapter III of Part V of the Decisions and Appeals Regulations, be treated as an appeal to an appeal tribunal against a decision of the Department.

(14) Paragraphs (15) to (17) shall apply where—

- (a) the clerk to the tribunal gave a direction under regulation 22(1) of the Adjudication Regulations^(a); and
- (b) notification referred to in paragraph (1A) of regulation 22 of those Regulations was not received by him before 29th November 1999.

(15) A notification in response to a direction given under regulation 22(1) of the Adjudication Regulations shall be in writing and shall be made within 14 days of receipt of the direction or within such other period as the clerk to the appeal tribunal may direct.

(16) An appeal may be struck out by the clerk to the appeal tribunal where a notification referred to in paragraph (15) is not received within the period specified in that paragraph.

(17) An appeal which has been struck out in accordance with paragraph (16) shall be treated for the purpose of reinstatement as if it had been struck out under regulation 46 of the Decisions and Appeals Regulations.

(18) An oral hearing of the appeal shall be held where—

- (a) a notification is received by the clerk to the appeal tribunal under paragraph (15); or
- (b) the chairman or, in the case of an appeal tribunal which has only one member, that member, is satisfied that such a hearing is necessary to enable the appeal tribunal to reach a decision.

(19) Where an appeal to a social security appeal tribunal in relation to a relevant benefit has been struck out under regulation 7 of the Adjudication Regulations, a legally qualified panel member may, on an application made by any party to the proceedings not later than three months from the date of the order under paragraph (1) of that regulation, reinstate the appeal if he is satisfied that—

- (a) the applicant did not receive a notice under paragraph (2) of that regulation; and
- (b) paragraph (2A)^(b) of that regulation does not apply,

^(a) Paragraphs (1) and (1A) of regulation 22 were substituted by regulation 3(10) of S.R. 1996 No. 457
^(b) Paragraph (2A) was inserted by regulation 3(8)(c) of S.R. 1996 No. 457

and the appeal shall be treated as an appeal to an appeal tribunal against a decision of the Department.

(20) An appeal tribunal shall completely rehear any appeal to a social security appeal tribunal in relation to a relevant benefit which stands adjourned immediately before 29th November 1999.

(21) A copy of a statement of—

(a) the reasons for a decision of a social security appeal tribunal in relation to a relevant benefit; and

(b) its findings of fact material thereto,

shall be supplied to each party to the proceedings before that tribunal, if requested by any of them, within 21 days of the date on which notification of that decision was given or sent.

(22) Subject to paragraph (23), any decision of a social security appeal tribunal in relation to a relevant benefit shall be treated as a decision of an appeal tribunal.

(23) Where paragraph (22) applies, any application for leave to appeal which is made for the purposes of Article 15(10)(a) of the Order shall be—

(a) made no later than three months from the date on which a copy of the statement of the reasons for the decision of the social security appeal tribunal was given or sent to the applicant; and

(b) determined by a legally qualified panel member.

(24) Notwithstanding regulation 59 of the Decisions and Appeals Regulations, and subject to paragraph (26), regulation 10 of the Adjudication Regulations, and regulation 3 of those Regulations in so far as it relates to that regulation, shall continue to apply in relation to any application to set aside a decision of a social security appeal tribunal in relation to a relevant benefit, subject to the modifications specified in paragraph (25).

(25) The Adjudication Regulations shall have effect as if in regulation 3 reference to a chairman and in regulation 10(1) the first reference to the adjudicating authority which gave the decision and to an authority of like status were references to a legally qualified panel member.

(26) Paragraph (24) shall not apply in any case where an application to set aside a decision of a social security appeal tribunal is made after 29th December 2000.

(27) Where, before 29th November 1999, payment of a relevant benefit was suspended or withheld by virtue of any provision of Part V of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987, the provisions of Chapter I of Part III of the Decisions and Appeals Regulations shall apply with respect to that suspension or withholding as if it were a suspension imposed by virtue of those provisions.

(28) For the purpose of Article 11(1)(b) of the Order, a decision of a Commissioner in relation to a relevant benefit made before 29th November 1999 shall be treated as a decision of a Commissioner made under Article 15 of that Order.

(29) In this Article—

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations (Northern Ireland) 1995(a);

“the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999;

“legally qualified panel member” has the same meaning as in regulation 1(2) of the Decisions and Appeals Regulations;

“relevant benefit” means income support, child’s special allowance under section 56 of the Contributions and Benefits Act or, as the case may be, a social fund payment mentioned in section 134(1)(a) or (2) of that Act.

Transitional provisions in relation to the social fund

22.—(1) An application to—

(a) the social fund shall be determined by an appropriate officer; and

(b) a social fund officer for a review shall be treated as an application for a review by an appropriate officer.

(2) Any determination of a social fund officer shall be treated as a determination of an appropriate officer.

(3) In this Article “appropriate officer” has the same meaning as in Article 36(1) of the Order.

Revocations

23. The Regulations specified in column (1) of Schedule 2 are revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 26th November 1999.

(L.S.)

John O’Neill

Assistant Secretary

Provisions coming into operation on 29th November 1999

<i>Provisions of the Order</i>	<i>Subject Matter</i>
Article 3	Transfer of functions to the Department
Article 4	Use of computers
Article 5	Unified appeal tribunals
Article 9(a)	Decisions by the Department
Article 10	Revision of decisions
Article 11	Decisions superseding earlier decisions
Article 12	Regulations with respect to decisions
Article 13	Appeal to appeal tribunal
Article 14	Redetermination, etc. of appeals by tribunal
Article 15	Appeal from tribunal to Commissioner
Article 16	Procedure
Article 17	Finality of decisions
Article 18	Matters arising as respects decisions
Article 19	Medical examination required by the Department
Article 20	Medical examination required by appeal tribunal
Articles 21 to 24	Suspension and termination of benefit
Articles 25 and 26	Decisions and appeals dependent on other cases
Articles 27 and 28	Cases of error
Article 33	Christmas bonus
Articles 36 to 38	Social fund payments
Article 39	Interpretation, etc. of Chapter II
Article 70	Provision of information
Schedule 2	Decisions against which no appeal lies
Schedule 3	Decisions against which an appeal lies
Schedule 4	Regulations as to procedure: provision which may be made
The following paragraphs of Schedule 6 and Article 78(1) in so far as it relates to them—	Minor and consequential amendments
paragraph 3	Bodies of which all members are disqualified and other disqualifying offices

(a) Articles 9, 11, 13, 14, 18, 28 and 39 were amended, respectively, by paragraphs 16, 17, 19, 20, 23, 28 and 29 of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

<i>Provisions of the Order</i>	<i>Subject Matter</i>
paragraph 4	Social Security Commissioner to decide whether rule applies to social security benefits
paragraph 5	Interpretation
paragraph 48	General provisions as to disqualification and suspension
paragraph 49	Her Majesty's forces
paragraph 50	Mariners, airmen, etc.
paragraph 51	Persons outside Northern Ireland
paragraph 52	Interpretation of Parts I to VI and supplementary provisions
paragraph 53	Awards by social fund officers
paragraph 54	Principles of determination
paragraph 60(1)	Regulations about claims for and payments of benefit
paragraph 61	Appeal from Commissioners on point of law
paragraph 62	Overpayments — general
paragraph 64	Legal proceedings
paragraph 65	Issues arising in proceedings
paragraph 70	Unauthorised disclosure of information relating to particular persons
paragraph 71	Regulations as to notification of deaths
paragraph 73	Effect of alteration in the component rates of income support
paragraph 75	Implementation of increases in income support due to attainment of particular ages
paragraph 79	Destination of repayments, etc.
paragraph 80	Allocations from social fund
paragraph 83	Reciprocal arrangements with Great Britain — income-related benefits and child benefit
paragraph 84	Reciprocal agreements with countries outside the United Kingdom
paragraph 85	Payment of travelling expenses by Department
paragraph 86	Regulations and orders — general
paragraph 87	Interpretation
paragraph 88	Commissioners, tribunals, etc. — supplementary provisions
paragraph 89	Persons employed in social security administration or adjudication
paragraph 91	Supplementary benefits, etc.

<i>Provisions of the Order</i>	<i>Subject Matter</i>
paragraph 92	Other appointments
paragraph 93	Retirement provisions: the relevant offices
paragraph 97	Disclosure of information between government departments, etc.
paragraph 115	Tribunals referred to in Article 9(4)
paragraph 116	Social security: amendments following certain orders
paragraph 118	Power to provide for recoupment of benefits
paragraph 119	Interpretation
paragraph 120	Review of certificates of recoverable benefits
paragraph 121	Appeals against certificates of recoverable benefits
paragraph 122	Reference of questions to medical appeal tribunal
paragraph 123	Appeal to Social Security Commissioner
The following repeals in Schedule 7 and Article 78(2) in so far as it relates to them—	Repeals
the provisions of the Northern Ireland Assembly Disqualification Act 1975(a)	
the Social Security Adjudications (Northern Ireland) Order 1983(b)	
the Social Security Administration (Northern Ireland) Act 1992(c)—	
sections 15 to 21	
in section 22, subsection (3)(c)	
sections 23 to 49	
sections 51 to 68	
section 110(4)	
in section 165(6), the word “24,”	
in section 167(1), the definitions of “the disablement questions” and “President”	
in Schedule 2, paragraph 1(1), in paragraph 1(2), the words “, the President and the full-time chairmen”, in paragraph 1(4), the words “, the President and a full-	

(a) 1975 c. 25

(b) S.I. 1983/1524 (N.I. 17)

(c) 1992 c. 8

<i>Provisions of the Order</i>	<i>Subject Matter</i>
<p>time chairman”, paragraph 1(5), paragraphs 2 to 6, paragraph 8 and in paragraph 9(b), paragraphs (ii) to (iv)</p> <p>Schedule 3</p> <p>In Schedule 4, in Part I, the entry headed “<i>Adjudication officers</i>”, in the entry headed “<i>Adjudicating bodies</i>”, paragraphs (b) to (d) and in the entry headed “<i>The social fund</i>”, the words “A social fund officer”</p> <p>the provisions of the Social Security (Consequential Provisions) (Northern Ireland) Act 1992(a)</p> <p>the provisions of the Judicial Pensions and Retirement Act 1993(b)</p> <p>the provisions of the Pension Schemes (Northern Ireland) Act 1993(c)</p> <p>the provision of the Deregulation and Contracting Out Act 1994(d)</p> <p>the provision of the Social Security (Contributions) (Northern Ireland) Order 1994(e)</p> <p>the provisions of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(f)</p> <p>the provisions of the Jobseekers (Northern Ireland) Order 1995(g)</p> <p>the provision of the Pensions (Northern Ireland) Order 1995(h)</p> <p>the provision of the Arbitration Act 1996(i)</p> <p>the provisions of the Ombudsman (Northern Ireland) Order 1996(j)</p> <p>the provisions of the Industrial Tribunals (Northern Ireland) Order 1996(k)</p> <p>the provisions of the Social Security Administration (Fraud) (Northern Ireland) Order 1997(l)</p>	

(a) 1992 c. 9

(b) 1993 c. 8

(c) 1993 c. 49

(d) 1994 c. 40

(e) S.I. 1994/765 (N.I. 4)

(f) S.I. 1994/1898 (N.I. 12)

(g) S.I. 1995/2705 (N.I. 15)

(h) S.I. 1995/3213 (N.I. 22)

(i) 1996 c. 23

(j) S.I. 1996/1298 (N.I. 8)

(k) S.I. 1996/1921 (N.I. 18)

(l) S.I. 1997/1182 (N.I. 11)

<i>Provisions of the Order</i>	<i>Subject Matter</i>
the provisions of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (a) the provisions of the Social Security (Northern Ireland) Order 1998 (b)	

(a) S.I. 1997/1183 (N.I. 12)
(b) S.I. 1998/1506 (N.I. 10)

Revocations

Column (1) <i>Citation</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
The Social Security (Adjudication) (Consequential Amendments) Regulations (Northern Ireland) 1984	S.R. 1984 No. 174	Regulations 8 and 26
The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987	S.R. 1987 No. 465	Regulations 36 to 36B
The Disability Living Allowance and Disability Working Allowance (Consequential Provisions) Regulations (Northern Ireland) 1992	S.R. 1992 No. 6	Regulations 7(2) and 14(2)(a)
The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1992	S.R. 1992 No. 83	Regulation 7(9) and (10)(a)
The Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 1993	S.R. 1993 No. 375	Regulation 3(8)
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1994	S.R. 1994 No. 345	Regulation 2(6)
The Housing Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1995	S.R. 1995 No. 129	Regulation 2
The Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996	S.R. 1996 No. 354	Regulation 2(17) and (18)
The Social Security (Claims and Payments and Adjudication) (Amendment) Regulations (Northern Ireland) 1996	S.R. 1996 No. 432	Regulation 2(4) and (5)
The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996	S.R. 1996 No. 520	Regulation 16
The Income-Related Benefits and Jobseeker's Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 1997	S.R. 1997 No. 22	Regulation 3(1)
The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 1998	S.R. 1998 No. 182	Regulation 6(3)

Column (1) <i>Citation</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1998	S.R. 1998 No. 241	The whole regulations
The Social Security (1998 Order) (Commencement No. 7 and Savings, Consequential and Transitional Provisions) Order (Northern Ireland) 1999	S.R. 1999 No. 310 (C. 23)	Articles 10 to 13
The Social Security (1998 Order) (Commencement No. 8 and Savings, Consequential and Transitional Provisions) Order (Northern Ireland) 1999	S.R. 1999 No. 371 (C. 28)	Articles 14 to 17
The Social Security (1998 Order) (Commencement No. 10 and Savings, Consequential and Transitional Provisions) Order (Northern Ireland) 1999	S.R. 1999 No. 428 (C. 32)	Articles 5(3) and (6) and 10 to 15

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides for the coming into operation on 29th November 1999 of provisions of the Social Security (Northern Ireland) Order 1998 in so far as they relate to child's special allowance, income support, the social fund and recovery of benefits.

The Order also makes consequential and transitional provisions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

The following provisions of the Social Security (Northern Ireland) Order 1998 have been brought into operation by earlier commencement orders as from the dates shown.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. Number</i>
Article 3(a) (partially)	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
Article 3(c)	1.6.99	1999 No. 246 (C. 20)
Article 4 (partially)	9.9.98	1998 No. 312 (C. 15)
	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
Article 5 (partially)	1.6.99	1999 No. 246 (C. 20)
	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
Article 6	1.6.99	1999 No. 246 (C. 20)
Articles 7 and 8	10.3.99	1999 No. 102 (C. 13)
	1.6.99	1999 No. 246 (C. 20)
Article 9 (partially)	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
Articles 10 to 13 (partially)	10.3.99	1999 No. 102 (C. 13)
	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. Number</i>
Article 14 (partially)	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
Article 15 (partially)	10.3.99	1999 No. 102 (C. 13)
	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
Article 16 (partially)	18.10.99	1999 No. 428 (C. 32)
	9.9.98 and 6.4.99	1998 No. 312 (C. 15)
	10.3.99	1999 No. 102 (C. 13)
	5.7.99	1999 No. 310 (C. 23)
Articles 17 and 18 (partially)	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
	10.3.99	1999 No. 102 (C. 13)
Article 19 (partially)	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
Articles 20 to 26 (partially)	10.3.99	1999 No. 102 (C. 13)
	1.6.99	1999 No. 246 (C. 20)
	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
Article 27 (partially)	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
Article 28 (partially)	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
	10.3.99	1999 No. 102 (C. 13)
	5.7.99	1999 No. 310 (C. 23)
Articles 29 and 30 (partially)	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
Articles 29 and 30 (partially)	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
Articles 31(2) and (3) and 38(1)(a) and (3) (partially)	10.3.99	1999 No. 102 (C. 13)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. Number</i>
Articles 32 and 34	18.10.99	1999 No. 428 (C. 32)
Article 39 (partially)	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)
Part II, Chapter III	16.11.98 and 7.12.98	1998 No. 395 (C. 19)
	10.3.99	1999 No. 102 (C. 13)
	1.6.99	1999 No. 246 (C. 20)
Articles 45 and 46	9.9.98	1998 No. 312 (C. 15)
Article 47(1) (partially)	9.9.98	1998 No. 312 (C. 15)
Article 48	24.2.99 and 6.4.99	1999 No. 72 (C. 9)
Article 49	9.9.98	1998 No. 312 (C. 15)
Article 50	9.9.98 and 6.4.99	1998 No. 312 (C. 15)
Article 51	10.3.99 and 6.4.99	1999 No. 102 (C. 13)
Article 52	9.9.98	1998 No. 312 (C. 15)
Articles 53, 54 and 56	10.3.99 and 6.4.99	1999 No. 102 (C. 13)
Article 57 (partially)	10.3.99 and 6.4.99	1999 No. 102 (C. 13)
Article 58	6.4.99	1999 No. 102 (C. 13)
Article 59	10.3.99 and 6.4.99	1999 No. 102 (C. 13)
Article 60	6.4.99	1999 No. 102 (C. 13)
Article 61	9.9.98 and 6.4.99	1998 No. 312 (C. 15)
Article 64	9.9.98	1998 No. 312 (C. 15)
Articles 66 and 67	5.4.99	1999 No. 168 (C. 16)
Article 69	6.4.99	1998 No. 312 (C. 15)
Article 70 (partially)	10.3.99	1999 No. 102 (C. 13)
Article 71	5.10.98	1998 No. 312 (C. 15)
Article 72	16.11.98	1998 No. 395 (C. 19)
Article 78(1) and Schedule 6 (partially)	9.9.98 and 6.4.99	1998 No. 312 (C. 15)
	16.11.98	1998 No. 395 (C. 19)
	6.4.99	1999 No. 72 (C. 9)
	10.3.99 and 6.4.99	1999 No. 102 (C. 13)
	5.4.99	1999 No. 168 (C. 16)
	1.6.99	1999 No. 246 (C. 20)
	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. Number</i>
Article 78(2) and Schedule 7 (partially)	9.9.98 and 6.4.99	1998 No. 312 (C. 15)
	6.4.99	1999 No. 72 (C. 9)
	6.4.99	1999 No. 102 (C. 13)
	5.4.99	1999 No. 168 (C. 16)
	1.6.99	1999 No. 246 (C. 20)
	5.7.99	1999 No. 310 (C. 23)
Schedule 1 (partially)	18.10.99	1999 No. 428 (C. 32)
	10.3.99	1999 No. 102 (C. 13)
Schedules 2 to 4 (partially)	1.6.99	1999 No. 246 (C. 20)
	10.3.99	1999 No. 102 (C. 13)
	5.7.99	1999 No. 310 (C. 23)
	6.9.99	1999 No. 371 (C. 28)
	5.10.99	1999 No. 407 (C. 31)
	18.10.99	1999 No. 428 (C. 32)

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