

SCHEDULE 4

Regulation 15(3)

Decisions and Appeals

1. The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(1) shall be amended in accordance with paragraphs 2 to 7.

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

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

““designated authority” has the meaning it has in regulation 1(2) of the Work-focused Interviews Regulations;”;

(b) for the definition of “official error”(2) there shall be substituted the following definition—

““official error” means an error made by—

(a) an officer of the Department, the Board or the Department of Higher and Further Education, Training and Employment acting as such which no person outside any of those Departments or the Board caused or to which no person outside any of those Departments or the Board materially contributed;

(b) a person employed by a designated authority acting on behalf of the authority, which no person outside that authority caused or to which no person outside that authority materially contributed,

but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of a Commissioner or the court;”;

(c) after the definition of “referral” there shall be inserted the following definition—

““relevant authority” means the Department, the Department of Higher and Further Education, Training and Employment or a person providing services to either of those Departments;”;

(d) after the definition of “widowed parent’s allowance”(3) there shall be inserted the following definitions—

““work-focused interview” has the same meaning as in regulation 2 of the Work-focused Interviews Regulations;

“the Work-focused Interviews Regulations” means the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001(4).”.

3. In regulation 3 (revision of decisions)—

(a) after paragraph (6) there shall be inserted the following paragraph—

“(6A) A relevant decision within the meaning of section 2B(2) of the Administration Act(5) may be revised at any time if it contains an error.”;

(b) in paragraph (11), after sub-paragraph (d)(6) there shall be added—

“or

(1) S.R. 1999 No. 162; relevant amending rules are S.R. 1999 Nos. 267, 271 (C. 22) and 272 and S.R. 2000 No. 215
(2) The definition of “official error” was amended by Article 3(2)(a)(iii) of S.R. 1999 No. 271 (C.22) and regulation 6(2)(d) of S.R. 2000 No. 215
(3) Definition of “widowed parent’s allowance” was added by regulation 12(2)(b) of S.R. 2001 No. 108
(4) S.R. 2001 No. 176
(5) Section 2B was inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I.1999/3147 (N.I. 11))
(6) Sub-paragraph (d) was added by Article 3(3)(b) of S.R. 1999 No. 271 (C. 22)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (e) in the case of a relevant person within the meaning of regulation 1(3) of the Work-focused Interviews Regulations, an office of any relevant authority which displays the

one

logo.”.

- 4. In regulation 6(2) (supersession of decisions), after sub-paragraph (g⁽⁷⁾) there shall be added—

“or

- (h) is one in respect of a person who—

- (i) is subsequently the subject of a separate decision or determination as to whether or not he took part in a work-focused interview;
- (ii) had been held not to have taken part in a work-focused interview but who had, subsequent to the decision to be superseded, attained the age of 60 or ceased to reside in a postcode district specified in Schedule 1 to the Work-focused Interviews Regulations.”.

- 5. In regulation 7 (date from which a decision superseded under Article 11 takes effect), after paragraph (24) there shall be added the following paragraphs—

“(25) In a case where a decision (“the first decision”) has been made that a person failed without good cause to take part in a work-focused interview, the decision under Article 11 shall take effect as from the first day of the benefit week to commence for that person following the date of the first decision.

(26) In paragraph (25), “benefit week” means any period of 7 days corresponding to the week in respect of which the relevant social security benefit is due to be paid.”.

- 6. In regulation 33(1)(b)⁽⁸⁾ (making of appeals and applications) after head (ii) there shall be inserted the following head—

“(ia) in a case where the decision appealed against was a decision arising from a claim made at an office of a relevant authority displaying the

one

logo, that office.”.

- 7. In Schedule 1 (decisions against which no appeal lies), after paragraph 23 there shall be added the following paragraph—

“Work-focused Interviews

24. Any decision treated as a decision of the Department or of the Department of Higher and Further Education, Training and Employment whether or not to waive or defer a work-focused interview.”.

- 8. In regulation 1(2) of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992⁽⁹⁾ (interpretation)—

- (a) after the definition of “day to day care” there shall be inserted the following definition—
““designated authority” has the meaning it has in regulation 1(2) of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001;”;

⁽⁷⁾ Sub-paragraph (g) was added by regulation 2(4) of S.R. 1999 No. 267

⁽⁸⁾ Sub-paragraph (b) was substituted by Article 3(4) of S.R. 1999 No. 271 (C. 22)

⁽⁹⁾ S.R. 1992 No. 340; relevant amending Regulations are S.R. 1999 No. 167 and S.R. 2000 No. 215

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) for the definition of “official error”**(10)** there shall be substituted the following definition—

““official error” means an error made by—

- (a) an officer of the Department acting as such which no person outside the Department caused or to which no person outside the Department materially contributed;
- (b) a person employed by a designated authority acting on behalf of the authority, which no person outside that authority caused or to which no person outside that authority materially contributed,

but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of a Child Support Commissioner or the court;”.

9. In regulation 1(2) of the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996**(11)** (interpretation)—

- (a) after the definition of “departure direction application form” there shall be inserted the following definition—

““designated authority” has the meaning it has in regulation 1(2) of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001;”;

- (b) for the definition of “official error”**(12)** there shall be substituted the following definition—

““official error” means an error made by—

- (a) an officer of the Department acting as such which no person outside the Department caused or to which no person outside the Department materially contributed;
- (b) a person employed by a designated authority acting on behalf of the authority, which no person outside that authority caused or to which no person outside that authority materially contributed,

but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of a Child Support Commissioner or the court;”.

(10) Definition of “official error” was inserted by regulation 2(2)(a) of [S.R. 1999 No.167](#) and amended by regulation 4(2) of [S.R. 2000 No. 215](#)

(11) [S.R. 1996 No. 541](#); relevant amending Regulations are [S.R. 1999 No. 167](#) and [S.R. 2000 No. 215](#)

(12) Definition of “official error” was inserted by regulation 3(2)(b) of [S.R. 1999 No. 167](#) and amended by regulation 5(2) of [S.R. 2000 No. 215](#)