
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 310

The Social Security (1998 Order) (Commencement No. 7 and Savings, Consequential and Transitional Provisions) Order (Northern Ireland) 1999

Modifications

Modification of the Social Security Benefit (Dependency) Regulations

10. The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977⁽¹⁾ shall have effect in relation to any benefit mentioned in Article 2(1)(b)(i) to (iii) as if in regulation 2(1) (interpretation) for the definition of “the determining authority”⁽²⁾ there were 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;”.

Modification of the Social Security (General Benefit) Regulations

11. The Social Security (General Benefit) Regulations (Northern Ireland) 1984⁽³⁾ shall have effect in relation to any benefit mentioned in Article 2(1)(b)(i) to (iii) as if—

(a) in regulation 1(2) for the definition of “determining authority”⁽⁴⁾ there were substituted the following definition—

““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;” and

(b) in regulation 11 (further definition of the principles of assessment of disablement and prescribed degrees of disablement)—

(i) in paragraphs (7) and (8)⁽⁵⁾ for “the medical appeal tribunal, the adjudicating medical practitioner or 2 or more adjudicating medical practitioners (as the case may be)” there were substituted “the Department or, as the case may be, an appeal tribunal”, and

(ii) paragraph (9) were omitted.

(1) S.R. 1977 No. 74; relevant amending regulations are S.R. 1984 No. 174

(2) The definition of “the determining authority” was substituted by regulation 8 of S.R. 1984 No. 174

(3) S.R. 1984 No. 92; relevant amending regulations are S.R. 1984 No. 174 and S.R. 1992 No. 6

(4) 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

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

Modification of the Social Security (Claims and Payments) Regulations

12. The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽⁶⁾ shall have effect in relation to any benefit mentioned in Article 2(1)(b)(i) to (iii) as if—

- (a) in regulation 2(1) (interpretation)—
 - (i) after the definition of “the Jobseekers Order”⁽⁷⁾ there were inserted the following definition—
 - ““the 1998 Order” means the Social Security (Northern Ireland) Order 1998;”,
 - (ii) for the definition of “adjudicating authority” there were 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;”, and
 - (iii) in the definition of “claim for benefit” in paragraph (c) for “review”, in both places where it occurs, there were substituted “revision under Article 10 of the 1998 Order or supersession under Article 11 of that Order”;
- (b) in regulation 13(2) (advance claims and awards) for “reviewed” there were substituted “revised under Article 10 of the 1998 Order or superseded under Article 11 of that Order”;
- (c) in regulation 17(7) (duration of awards) for “reviewed” there were substituted “revised under Article 10 of the 1998 Order or superseded under Article 11 of that Order”;
- (d) in regulation 31(4) (time and manner of payments of industrial injuries gratuities) for “varied”, in both places where it occurs, there were substituted “revised under Article 10 of the 1998 Order or superseded under Article 11 of that Order”; and
- (e) in Part V (suspension and extinguishment)—
 - (i) in the heading “Suspension and”, and
 - (ii) regulations 36 to 36B (suspension and withholding of benefit), were omitted.

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

13. The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988⁽⁸⁾ shall have effect in relation to any benefit mentioned in Article 2(1)(b) (i) to (iii) as if—

- (a) in regulation 1(2) (interpretation)—
 - (i) after the definition of “the Order” there were inserted the following definition—
 - ““the 1998 Order” means the Social Security (Northern Ireland) Order 1998;”,
 - and
 - (ii) for the definition of “adjudicating authority”⁽⁹⁾ there were 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

⁽⁶⁾ S.R. 1987 No. 465; relevant amending regulations are S.R. 1992 Nos. 7 and 83, S.R. 1993 No. 375, S.R. 1994 Nos. 345 and 484, S.R. 1996 Nos. 85, 354 and 432 and S.R. 1998 No. 241

⁽⁷⁾ The definition of “the Jobseekers Order” was inserted by regulation 2(2)(a) of S.R. 1996 No. 354

⁽⁸⁾ S.R. 1988 No. 142; relevant amending regulations are S.R. 1992 No. 6

⁽⁹⁾ The definition of “adjudicating authority” was amended by regulation 14(2)(a) of S.R. 1992 No. 6

- the 1998 Order or a Commissioner to whom an appeal lies under Article 15 of that Order”;
- (b) in regulation 2(1)(b) (making of interim payments) for “review” there were substituted “revision, supersession”;
 - (c) in regulation 5(2) (offsetting prior payment against subsequent award) in Case 1—
 - (i) in the heading after “revised,” there were inserted “superseded”, and
 - (ii) for “varied on appeal or revised on a review” there were substituted “revised under Article 10 of the 1998 Order or superseded under Article 11 of that Order or is varied on appeal”;
 - (d) in regulation 8(2) (duplication and prescribed payments) for “review” there were substituted “revision under Article 10 of the 1998 Order or supersession under Article 11 of that Order”; and
 - (e) in regulation 12 (circumstances in which determination need not be revised)—
 - (i) for “variation or revision” there were substituted “variation, revision or supersession”, and
 - (ii) for “reviewing and revising” there were substituted “revising under Article 10 of the 1998 Order or superseding under Article 11 of that Order”.