

1990 No. 445

SOCIAL SECURITY

**The Workmen's Compensation (Supplementation)
(Amendment No. 2) Regulations (Northern Ireland) 1990**

Made 20th December 1990

Coming into operation 9th January 1991

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 2 and 4(1), (2), (3) and (9) of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(a) and of all other powers enabling it in that behalf and with the consent of the Department of Finance and Personnel(b), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Workmen's Compensation (Supplementation) (Amendment No. 2) Regulations (Northern Ireland) 1990 and shall come into operation on 9th January 1991.

(2) In these regulations "the principal regulations" means the Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1983(c).

(3) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the principal regulations

2.—(1) The principal regulations shall be varied in accordance with paragraphs (2) to (6).

(2) In regulations 2(1), 4(1), 5(1) and 30 (basic allowances, major incapacity allowances, lesser incapacity allowances and reciprocal arrangements with Great Britain) for "the National Insurance Fund" there shall be substituted "money provided by Parliament".

(3) In regulation 11 (application of certain regulations made under the Social Security Act) for "the Social Security (Claims and Payments)

(a) 1975 c. 17; section 2 was amended by Schedule 10 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and Article 6 of S.R. 1990 No. 70. Section 4(1) was amended by paragraph 9(1) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)), section 4(3)(c) was amended by Schedule 10 to the Social Security (Northern Ireland) Order 1986 and section 4(9) was inserted by Article 9(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)). Sections 2(1) and 4(3)(e) were amended by Article 18(7) of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)).

(b) Formerly the Department of Finance; see S.I. 1982/338 (N.I. 6), Article 3

(c) S.R. 1983 No. 101; the relevant amending regulations are S.R. 1984 No. 145

(d) 1954 c. 33 (N.I.)

Regulations (Northern Ireland) 1977” there shall be substituted “the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a)”.

(4) In regulation 12 (determination of questions arising under the regulations) for “the Social Security (Adjudication) Regulations (Northern Ireland) 1984” there shall be substituted “the Social Security (Adjudication) Regulations (Northern Ireland) 1987(b), the Social Security Commissioners Procedure Regulations (Northern Ireland) 1987(c) and of the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(d)”.

(5) In regulations 20(1) and 22(8) (recovery of sums by deduction from allowances or benefits under the Social Security Act and review of decisions) for “National Insurance Fund” there shall be substituted “Department”.

(6) For Schedule 2 (provisions of the Social Security Act and of regulations made under that Act applicable (with the necessary modifications) to these regulations) there shall be substituted the Schedule set out in the Schedule to these regulations.

Revocations

3. In regulation 1(2) of the Workmen’s Compensation (Supplementation) Regulations (Northern Ireland) 1983(e) the definition of “the National Insurance Fund” and regulations 3 and 4 of the Workmen’s Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 1984(f) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th December 1990.

(L.S.)

A. N. Burns

Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 20th December 1990.

(L.S.)

R. Miller

Assistant Secretary

-
- (a) S.R. 1987 No. 465; the relevant amending regulations are S.R. 1988 Nos. 141 and 369, S.R. 1989 No. 398 and S.R. 1990 Nos. 137 and 398
(b) S.R. 1987 No. 82; the relevant amending regulations are S.R. 1987 No. 466 and S.R. 1990 No. 119
(c) S.R. 1987 No. 112
(d) S.R. 1988 No. 142; to which there are amendments not relevant to these regulations
(e) S.R. 1983 No. 101
(f) S.R. 1984 No. 145

SCHEDULE

Regulation 2(6)

SCHEDULE 2

Regulations 11 and 12

Provisions of the Social Security Act or regulations applicable (with the necessary modifications) to these regulations

<i>Provisions of the Social Security Act or regulations applicable</i>	<i>Subject matter</i>
Social Security Act(a)	
Section 99 ...	Decision of adjudication officer
Section 100 ...	Appeal to social security appeal tribunal
Section 101 ...	Appeal from social security appeal tribunal to Commissioner
Section 102 ...	Questions first arising on appeal
Section 104 ...	Review of decisions
Section 115A ...	Power of adjudicating authorities to refer matters to experts
Section 117 ...	Finality of decisions (in so far as relating to appeals)
The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987	
Regulation 4 ...	Making a claim for benefit
Regulation 5 ...	Amendment and withdrawal of claim
Regulation 6 ...	Date of claim
Regulation 16 ...	Date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate
Regulation 17 ...	Duration of awards
Regulation 20 ...	Time and manner of payment: general provision
Regulation 21 ...	Direct credit transfer
Regulation 22 ...	Long term benefits

- (a) 1975 c. 15; section 99(2) was substituted by paragraph 4 of Schedule 5 to the Social Security (Northern Ireland) Order 1986. Section 100 was amended by paragraph 5 of Schedule 5 to, and repealed in part by Schedule 10 to, the Social Security (Northern Ireland) Order 1986. Section 101 was amended by paragraph 6 of Schedule 5 to, and repealed in part by Schedule 10 to, the Social Security (Northern Ireland) Order 1986. Section 102(2) was substituted by paragraph 7 of Schedule 5 to the Social Security (Northern Ireland) Order 1986. Section 104 was amended by paragraph 2 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17)), paragraph 9 of Schedule 5 to the Social Security (Northern Ireland) Order 1986, paragraph 11 of Schedule 4 to the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)) and Article 12(5) of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)). Section 115A was inserted by paragraph 3 of Schedule 3 to the Social Security (Northern Ireland) Order 1989. Section 117 was amended by Articles 3 and 4 of, paragraph 4 of Schedule 1 to, and paragraph 6 of Schedule 2 to, the Social Security Adjudications (Northern Ireland) Order 1983 and repealed in part by Article 6 of, and Schedule 3 to, that Order and Schedule 10 to the Social Security (Northern Ireland) Order 1986

<i>Provisions of the Social Security Act or regulations applicable</i>	<i>Subject matter</i>
Regulation 25 ...	Payment of attendance allowance and constant attendance allowance at a daily rate
Regulation 28 ...	Fractional amounts of benefit
Regulation 30 ...	Payments on death
Regulation 33 ...	Persons unable to act
Regulation 36 ...	Suspension
Regulation 37 ...	Extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period
Regulation 46 ...	Instruments of payment
The Social Security (Adjudication) Regulations (Northern Ireland) 1987	
Regulation 2 ...	Procedure in connection with determinations; and right to representation
Regulation 3 ...	Manner of making applications, appeals or references; and time limits
Regulation 4 ...	Oral hearings and inquiries
Regulation 5 ...	Postponement and adjournment
Regulation 6 ...	Withdrawal of applications, appeals and references
Regulation 9 ...	Non-disclosure of medical evidence
Regulation 10 ...	Correction of accidental errors in decisions
Regulation 11 ...	Setting aside of decisions on certain grounds
Regulation 12 ...	Provisions common to regulations 10 and 11
Regulation 21 ...	Procedure on claim or question involving questions for determination by the Department
Regulation 24 ...	Oral hearing of appeals and references
Regulation 25 ...	Decisions of appeal tribunals
Regulation 66 ...	Review of decisions involving payment or increase of industrial injuries benefit
The Social Security (General Benefit) Regulations (Northern Ireland) 1984(a)	
Regulation 3 ...	Suspension of payment of benefit during imprisonment, etc.

(a) S.R. 1984 No. 92; to which there are amendments not relevant to these regulations

<i>Provisions of the Social Security Act or regulations applicable</i>	<i>Subject matter</i>
The Social Security Commissioners Procedure Regulations (Northern Ireland) 1987	
Regulation 3 ...	Application to a Commissioner for leave to appeal
Regulation 4 ...	Notice of application to a Commissioner for leave to appeal
Regulation 5 ...	Determination of application
Regulation 6 ...	Notice of appeal
Regulation 7 ...	Time limit for appealing
Regulation 9 ...	Acknowledgement of a notice of appeal or a reference and notification to each respondent
Regulation 10 ...	Respondent's written observations
Regulation 11 ...	Written observations in reply
Regulation 12 ...	Directions
Regulation 13 ...	Medical references
Regulation 14 ...	Non-disclosure of medical evidence
Regulation 15 ...	Requests for oral hearings
Regulation 16 ...	Representation at an oral hearing
Regulation 17 ...	Oral hearings
Regulation 18 ...	Summoning of witnesses
Regulation 19 ...	Postponement and adjournment
Regulation 20 ...	Withdrawal of applications for leave to appeal, appeals and references
Regulation 21 ...	Irregularities
Regulation 22 ...	Determinations and decisions of a Commissioner
Regulation 24 ...	Correction of accidental errors in decisions
Regulation 25 ...	Setting aside decisions on certain grounds
Regulation 26 ...	Provisions common to Regulations 24 and 25
Regulation 27 ...	General powers of a Commissioner
Regulation 29 ...	Delegation of functions to nominated officers
Regulation 30 ...	Manner of and time for service of notices, etc.
Regulation 31 ...	Application to a Commissioner for leave to appeal to the Courts
Regulation 32 ...	Revocation

<i>Provisions of the Social Security Act or regulations applicable</i>	<i>Subject matter</i>
The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 Regulation 5 ...	Offsetting prior payment against subsequent award

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations make further amendments to the Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1983 ("the principal regulations") mainly in consequence of the making of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)) which amends the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975. They also include a few minor miscellaneous amendments.

Regulation 2(2) and (5) amends all references to the National Insurance Fund throughout the principal regulations by substituting references to either the Department or money provided by Parliament.

Regulation 2(3) and the Schedule vary regulation 11 of, and Schedule 2 to, the principal regulations by substituting for the references to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 references to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.

Regulation 2(4) and the Schedule vary regulation 12 of, and Schedule 2 to, the principal regulations by substituting for the references to the Social Security (Adjudication) Regulations (Northern Ireland) 1984 references to the Social Security (Adjudication) Regulations (Northern Ireland) 1987. They now also include references to the Social Security Commissioners Procedure Regulations (Northern Ireland) 1987 and the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988.

Regulation 2(6) and the Schedule substitute a new Schedule 2 to the principal regulations. The said Schedule 2 contains existing provisions with changes in consequence of the amendments made by regulation 2(3) and (4) and also includes for the first time a reference to section 115A of the Social Security (Northern Ireland) Act 1975; regulations 3 to 7, 9 to 22, 24 to 27 and 29 to 32 of the Social Security Commissioners Procedure Regulations (Northern Ireland) 1987; and regulation 5 of the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988. The reference to regulation 39 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984 is also omitted.

Regulation 3 contains consequential revocations.