

1992 No. 36

SOCIAL SECURITY

**The Social Security (Adjudication) (Amendment)
Regulations (Northern Ireland) 1992**

Made 29th January 1992

Coming into operation in accordance with regulation 1(1)

The Department of Health and Social Services for Northern Ireland, in exercise of the powers set out in Schedule 1 and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1992 and shall come into operation as follows—

- (a) regulations 2 and 13 except insofar as they relate to the Attendance Allowance Board and attendance allowance, and regulations 1, 3 to 10, 12 and 14 to 16 on 3rd February 1992; and
- (b) regulations 2 and 13 insofar as not already in operation and regulations 11 and 17 on 6th April 1992.

(2) In these regulations “the principal regulations” means the Social Security (Adjudication) Regulations (Northern Ireland) 1987(a).

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

Amendment of regulation 1 of the principal regulations

2.—(1) Regulation 1 of the principal regulations (interpretation) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (2)—

- (a) in the definition of “adjudicating authority” for “the Attendance Allowance Board, a medical appeal tribunal” there shall be substituted “a medical appeal tribunal, a disability appeal tribunal”;
- (b) the definition of “the Attendance Allowance Board” shall be omitted;
- (c) after the definition of “the Department” there shall be inserted the following definitions—

(a) S.R. 1987 No. 82; relevant amending regulations are S.R. 1987 No. 466, S.R. 1990 No. 119 and S.R. 1991 Nos. 406 and 488

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

“ “disability appeal tribunal” means a tribunal constituted in accordance with Schedule 10A to the 1975 Act(a);

“disability question” has the meaning assigned by regulation 26C(2);”;

- (d) in the definition of “full-time chairman” for “and medical appeal tribunals” there shall be substituted “, medical appeal tribunals and disability appeal tribunals”(b);
- (e) in the definition of “party to the proceedings” in paragraph (b) after “appeal tribunal” there shall be inserted “or a disability appeal tribunal”; and
- (f) in the definition of “President” for “and medical appeal tribunals” there shall be substituted “, medical appeal tribunals and disability appeal tribunals”.

(3) Paragraph (4) shall be omitted.

Amendment of regulation 2 of the principal regulations

3. In regulation 2(2) of the principal regulations (procedure in connection with determinations; and right to representation) for “or a medical appeal tribunal” there shall be substituted “, a medical appeal tribunal or a disability appeal tribunal”.

Amendment of regulation 3 of the principal regulations

4. In regulation 3(3) and (7) of the principal regulations (manner of making applications, appeals or references; and time limits) for “or a medical appeal tribunal” there shall be substituted “, a medical appeal tribunal or a disability appeal tribunal”.

Amendment of regulation 4 of the principal regulations

5.—(1) Regulation 4(6) of the principal regulations (oral hearings and inquiries) shall be amended in accordance with paragraphs (2) and (3).

(2) In sub-paragraph (b) for “or a medical appeal tribunal, or as a clerk to either of such tribunals” there shall be substituted “, a medical appeal tribunal or a disability appeal tribunal, or as a clerk to any such tribunal”.

(3) In sub-paragraph (c) for “or medical appeal tribunals” there shall be substituted “, medical appeal tribunals or disability appeal tribunals”.

Amendment of regulation 6 of the principal regulations

6. In regulation 6(1) of the principal regulations (withdrawal of applications, appeals and references) for “or a medical appeal tribunal” there shall be substituted “, a medical appeal tribunal or a disability appeal tribunal”.

(a) 1975 c. 15; Schedule 10A was inserted by paragraph 16 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17))

(b) See paragraph 1A(1) of Schedule 10 to the Social Security (Northern Ireland) Act 1975 which was substituted by paragraph 15 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

Amendment of regulation 7 of the principal regulations

7. In regulation 7(1) and (3) of the principal regulations (striking-out of proceedings for want of prosecution) for “or a medical appeal tribunal” there shall be substituted “, a medical appeal tribunal or a disability appeal tribunal”.

Amendment of regulation 20 of the principal regulations

8. In regulation 20(1) of the principal regulations (notification of decisions) for “be informed of his right of appeal” to the end of the paragraph there shall be substituted the following—

“be informed—

(a) in the case of a decision of an adjudication officer—

(i) under section 99 of the 1975 Act(a) relating to attendance allowance, disability living allowance or disability working allowance, or

(ii) on a review under section 100A(2) or (4) or section 104A of that Act(b),

of his right to a review under section 100A(1) of that Act;

(b) in the case of a decision of an adjudication officer under section 100A(1) of that Act, of his right of appeal—

(i) to a disability appeal tribunal where the appeal relates to the determination of a disability question, and

(ii) to an appeal tribunal in any other case; and

(c) in all other cases, of his right of appeal to an appeal tribunal under section 100 of that Act(c).”.

Insertion of Section CA into the principal regulations

9. After Section C of Part III of the principal regulations there shall be inserted the following Section—

“SECTION CA — DISABILITY ADJUDICATION

Prescribed period

26A.—(1) Subject to paragraph (2), the prescribed period for the purposes of section 100A(1), (2) and (4) of the 1975 Act shall be three months beginning with the date on which notice in writing of the decision of an adjudication officer under section 99 of that Act was given to the claimant.

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- (a) Section 99 was amended by paragraph 4 of Schedule 5 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)); paragraph 2 of Schedule 3 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)) and paragraph 3 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991
- (b) Sections 100A and 104A were inserted by paragraphs 5 and 9 respectively of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991
- (c) Section 100 was amended by paragraph 5 of Schedule 5 and by Schedule 10 to the Social Security (Northern Ireland) Order 1986; Schedule 9 to the Social Security (Northern Ireland) Order 1989; paragraph 4(1) of Schedule 6 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)) and paragraph 4 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

(2) Where a claimant submits an application for review under section 100A(1) of the 1975 Act by post which would have arrived in an office of the Department in the ordinary course of the post within the period prescribed by paragraph (1) but is delayed by postal disruption caused by industrial action whether within the postal service or elsewhere, that period shall expire on the day the application is received in the office of the Department if that day does not fall within the period prescribed by paragraph (1).

Manner of making applications for review under section 100A of the 1975 Act

26B. An application for a review of a decision of an adjudication officer under section 100A(1), (2) and (4) of the 1975 Act shall be made to an office of the Department.

Appeal to a disability appeal tribunal

26C.—(1) The claimant may appeal to a disability appeal tribunal from a decision of an adjudication officer under section 100A(1) of the 1975 Act in any case in which there arises—

- (a) a disability question; or
 - (b) both a disability question and any other question relating to attendance allowance, disability living allowance or disability working allowance.
- (2) In this regulation “disability question” means a question as to—
- (a) whether the claimant satisfies the conditions for entitlement to—
 - (i) the care component of a disability living allowance specified in section 37ZB(1) and (2) of the 1975 Act(a),
 - (ii) the mobility component of a disability living allowance specified in section 37ZC(1), (8) and (9) of that Act(b),
 - (iii) an attendance allowance specified in section 35(1)(a) or (b) and (2) of that Act(c), or
 - (iv) a disability working allowance specified in Article 21(6A)(b) of the 1986 Order(d);
 - (b) the period throughout which the claimant is likely to satisfy the conditions for entitlement to attendance allowance or disability living allowance;

(a) Section 37ZB was inserted by Article 3 of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

(b) Section 37ZC was inserted by Article 3 of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

(c) Section 35(1) and (2) was amended by Article 3(2) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)); Article 3(1) of the Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)) and paragraph 5(2) of Schedule 8 to the Social Security (Northern Ireland) Order 1989

(d) Paragraph (6A) was inserted by Article 8(4) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

- (c) the rate at which attendance allowance is payable(a); or
- (d) the rate at which the care component or the mobility component of a disability living allowance is payable(b).

Persons who may appeal to disability appeal tribunals and appeal tribunals

26D. A person purporting to act on behalf of a person who is terminally ill as defined in section 35(2C) of the 1975 Act(c), whether or not that person is acting with his knowledge or authority, may appeal to a disability appeal tribunal or an appeal tribunal, as appropriate, in accordance with section 100D(1) of that Act(d) in any case where the ground of appeal is that that person is or was at any time terminally ill.

Procedure for disability appeal tribunals

26E.—(1) A disability appeal tribunal, except where section 100C(7)(a) of the 1975 Act(e) applies, shall hold an oral hearing of any appeal made to it.

(2) Where any member of a disability appeal tribunal is not present at the consideration of a case the tribunal shall not proceed to determine that case but shall instead adjourn it for consideration by another tribunal.

(3) Where an oral hearing is adjourned and at the hearing after the adjournment the tribunal is differently constituted, otherwise than through the operation on that occasion of paragraph (2), the proceedings at that hearing shall be by way of a complete rehearing of the case.

(4) Where a disability appeal tribunal is unable to reach a unanimous decision on any case the decision of the majority of its members shall be the decision of the tribunal.

(5) The chairman of a disability appeal tribunal shall in each case—

- (a) record the decision of the tribunal in writing;
- (b) include in such record a statement of the reasons for the decision, including findings on all questions of fact material to the decision; and
- (c) if a decision is not unanimous, record a statement that one of the members dissented and the reasons given by him for so dissenting.

(6) As soon as may be practicable after a case has been decided by a disability appeal tribunal, a copy of the record of the decision made in accordance with this regulation shall be sent to every party to the proceedings who shall also be informed of the conditions governing appeals to a Commissioner.

(a) See section 35(3) of the Social Security (Northern Ireland) Act 1975

(b) See sections 37ZB(4) and 37ZC(11) of the Social Security (Northern Ireland) Act 1975

(c) Section 35(2C) was inserted by Article 3(1) of the Social Security (Northern Ireland) Order 1990

(d) Section 100D was inserted by paragraph 5 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

(e) Section 100C was inserted by paragraph 5 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

Examination and report by a medical practitioner

26F. A person who may be nominated as chairman of a disability appeal tribunal may refer a claimant to a medical practitioner for examination and report if he is satisfied that without such examination and report an appeal by the claimant cannot be properly determined.

Persons who may not act as members of disability appeal tribunals

26G.—(1) A person shall not act as a member of a disability appeal tribunal in any case if he—

- (a) is or may be directly affected by that case; or
- (b) has taken any part in such case as an assessor, a medical practitioner who has regularly attended the claimant or to whom any question has been referred for report or advice, or as a witness.

(2) If a disability appeal tribunal is unable to determine a question by reason of the provisions of paragraph (1) the case shall be referred to another such tribunal.

Application for leave to appeal from a disability appeal tribunal to a Commissioner

26H.—(1) Subject to paragraphs (2) to (4), an application to the chairman of a disability appeal tribunal for leave to appeal to a Commissioner from a decision of a disability appeal tribunal shall be made—

- (a) orally at the hearing after the decision is announced by the tribunal; or
- (b) in accordance with regulation 3 and Schedule 2.

(2) Where an application in writing for leave to appeal is made by an adjudication officer, the clerk to the tribunal shall, as soon as may be practicable, send a copy of the application to every other party to the proceedings.

(3) The decision of the chairman on an application for leave to appeal shall be recorded in writing and notice of it shall be given to every party to the proceedings.

(4) Where in any case it is impracticable, or it would be likely to cause undue delay, for an application for leave to appeal against a decision of a disability appeal tribunal to be determined by the person who was the chairman of that tribunal, that application shall be determined by any other person qualified under section 97(2D) of the 1975 Act(a) to act as a chairman of disability appeal tribunals.

(a) Section 97(2D) was inserted by paragraph 1 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17)) and applied to disability appeal tribunals by Schedule 10A to the Social Security (Northern Ireland) Act 1975. Schedule 10A was inserted by paragraph 16 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

Procedure of a disability appeal tribunal on receipt of a Commissioner's decision

26I.—(1) Subject to paragraph (2), the provisions of these regulations apply for the disposal by a disability appeal tribunal of a case remitted to it following an appeal to a Commissioner as if it were an original hearing of an appeal to the disability appeal tribunal.

(2) If the case is remitted to the disability appeal tribunal following an appeal to a Commissioner in which it was decided that the decision of the disability appeal tribunal was erroneous in point of law, the proceedings shall, subject to any direction of the Commissioner, be by way of a complete rehearing of the appeal by persons who were not members of the tribunal which gave the erroneous decision.”.

Amendment of regulation 29 of the principal regulations

10. Paragraph (1)(c) of regulation 29 of the principal regulations (determination of medical questions) shall be omitted.

Omission of Sections from the principal regulations

11. Section E of Part III of the principal regulations (The Attendance Allowance Board) and Section B of Part IV of those regulations (mobility allowance) shall be omitted.

Amendment of regulation 64A of the principal regulations

12.—(1) Regulation 64A of the principal regulations (date from which revised decision has effect on a review in specified circumstances) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (2) for “subsection (1)(a) of section 104 of the 1975 Act” there shall be substituted “sections 100A(2)(a) and (4), 104(1)(a)(a) and 104A(1)(a) of the 1975 Act”.

(3) In paragraph (3) for “subsection (1A) of section 104 of the 1975 Act” there shall be substituted “sections 100A(2)(d) and 104(1A) of the 1975 Act(b)”.

Amendment of regulation 65 of the principal regulations

13.—(1) Regulation 65 of the principal regulations (review of decisions involving payment or increase of benefit other than industrial injuries benefit, mobility allowance, income support or family credit) shall be amended in accordance with paragraphs (2) to (6).

(2) In paragraph (1)—

(a) for the words preceding “is revised so as to make benefit payable” there shall be substituted—

(a) Subsection (1)(a) was substituted by paragraph 9(a) of Schedule 5 to the Social Security (Northern Ireland) Order 1986

(b) Subsection (1A) was inserted by paragraph 2 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983 and amended by Schedule 10 to the Social Security (Northern Ireland) Order 1986

“Review of decisions involving payment or increase of benefit other than industrial injuries benefit, income support, family credit or disability working allowance

65.—(1) Where on a review a decision relating to benefit other than industrial injuries benefit, income support, family credit or disability working allowance”;

(b) sub-paragraph (d) shall be omitted; and

(c) after sub-paragraph (e) there shall be added the following sub-paragraph—

“(f) in the case of attendance allowance or disability living allowance, where the decision is reviewed—

(i) under section 100A(1) of the 1975 Act and head (ii) does not apply, the date of claim,

(ii) under section 100A(1) as applied by section 100B(2)(a) or 104A(6) of that Act, three months before the date of the application for review made under section 100A(2) or (4) which preceded the application for review under section 100A(1), or

(iii) under section 100A(2) or (4) or section 104A of that Act, three months before the date of the application for review.”.

(3) In paragraph (2) for “paragraphs (3) and (4)” there shall be substituted “paragraphs (3), (4) and (4A)”.

(4) In paragraph (3)(a)—

(a) “or” shall be added at the end of head (i);

(b) at the end of head (ii) the word “or” shall be omitted; and

(c) head (iii) shall be omitted.

(5) In paragraph (4) after “in any case” there shall be inserted “, other than a case to which paragraph (4A) applies,”.

(6) After paragraph (4) there shall be inserted the following paragraphs—

“(4A) In any case relating to attendance allowance or disability living allowance in which the review to which the foregoing paragraphs relate was based on a relevant change of circumstances to which this paragraph applies subsequent to the date from which the original decision took effect, the decision on review shall not have effect for any period before—

(a) the date declared by the adjudicating authority making the review to be the date on which that change took place;

(b) if more than one change has taken place between the date from which the original decision took effect and the date of the application for review, the date declared by the adjudicating authority making the review to be the date on which the most recent change took place; or

(a) Section 100B was inserted by paragraph 5 of Schedule 1 to the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991

(c) the date three months before the date of the application for review,

whichever is the later.

(4B) Paragraph (4A) applies only to a relevant change of circumstances which relates to a deterioration in a person's physical or mental condition.

(4C) Where a claim for attendance allowance or disability living allowance has been refused and either—

(a) an application for review of the decision is made under section 100A(1) of the 1975 Act; or

(b) a further claim is made within the period prescribed under section 100A(1) and is treated as an application for review in accordance with section 100A(12) of that Act,

then, if that review results in an award of attendance allowance or disability living allowance, the decision on review shall have effect from the date specified in paragraph (4D).

(4D) The date referred to in paragraph (4C) is such date as may be specified in the decision on review being a date not later than—

(a) in the case of attendance allowance, six months; and

(b) in the case of disability living allowance, three months,

after the date on which the application for review or the further claim is made whichever is appropriate.”

Insertion of regulation 70B into the principal regulations

14. After regulation 70A of the principal regulations (repayment of student loan not a change of circumstances for family credit) there shall be inserted the following regulation—

“*Review in disability working allowance cases*

70B.—(1) Where a claim for disability working allowance has been refused and either—

(a) an application for review of the decision is made under section 100A(1) of the 1975 Act; or

(b) a further claim is made within the period prescribed under section 100A(1) and is treated as an application for review in accordance with section 100A(12) of that Act,

then, if that review results in an award of disability working allowance, the decision on review shall have effect from the date on which the application for review or the further claim is made whichever is appropriate.

(2) Where a review under section 100A(1) or (2)(a) or 104A(1)(a) of the 1975 Act of a decision relating to disability working allowance arises from a disclosure of a material fact of which the person who claimed disability working allowance was, or could reasonably have been expected to be, aware but of which he previously failed to furnish information to the Department, then if that review would result in either a

new award of disability working allowance or an increase in the amount of disability working allowance payable, the decision on review shall not have effect in respect of any period earlier than 12 months before the date on which that person first furnished that information.”.

Amendment of Schedule 2 to the principal regulations

15.—(1) Schedule 2 to the principal regulations (time limits for making applications, appeals or references) shall be amended in accordance with paragraphs (2) and (3).

(2) After paragraph 4 there shall be inserted the following paragraphs—

“4A. Appeal to a disability appeal tribunal from a decision on review of an adjudication officer under section 100A(1) of the 1975 Act.	An office of the Department.	3 months beginning with the date when notice in writing of the decision was given to the appellant.
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4B. Appeal to an appeal tribunal from a decision on review of an adjudication officer under section 100A(1) of the 1975 Act.	An office of the Department.	3 months beginning with the date when notice in writing of the decision was given to the appellant.”.
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(3) After paragraph 6 there shall be inserted the following paragraph —

“6A. Application to the chairman for leave to appeal to a Commissioner from the decision of a disability appeal tribunal (regulation 26H).	The office of the clerk to the disability appeal tribunal.	3 months beginning with the date when a copy of the record of the decision was given to the applicant.”.
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Outstanding claims and questions relating to mobility allowance

16. Notwithstanding the revocation of regulation 29(1)(c) (determination of medical questions), Section B of Part IV (mobility allowance) and the reference to mobility allowance in regulation 65(1) of the principal regulations, those provisions shall continue to have effect until 5th April 1992 for the purposes of determining any claim or question relating to mobility allowance as though these regulations had not come into operation.

Revocations

17. The regulations specified in column (1) of Schedule 2 are revoked to the extent mentioned in column (3).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 29th January 1992.

(L.S.)

A. N. Burns

Assistant Secretary

Provisions Conferring Powers Exercised in Making these Regulations

Column (1) <i>Provision</i>		Column (2) <i>Relevant amendments</i>
Social Security (Northern Ireland) Act 1975	Sections 100A(1) and (5), 100B(3) and 100D(1)(a) and (2)	The Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991, paragraph 5 of Schedule 1.
	Section 101 (5B)	The Social Security (Northern Ireland) Order 1986, paragraph 6(3) of Schedule 5.
	Section 105	The Social Security (Northern Ireland) Order 1990, Article 3(3).
	Section 106	The Social Security (Northern Ireland) Order 1986, paragraph 10 of Schedule 5; the Social Security (Northern Ireland) Order 1989, paragraph 8 of Schedule 3 and paragraph 13 of Schedule 7; and the Social Security (Northern Ireland) Order 1990, Article 3(4) and (5).
	Section 114	The Social Security (Northern Ireland) Order 1986, paragraph 14 of Schedule 5. <i>See</i> the Industrial Relations (Northern Ireland) Order 1976, Article 72(3)(a). Section 114 was extended by virtue of the Social Security (Northern Ireland) Order 1986, Article 53(3) and (6).
	Section 115	The Social Security Adjudications (Northern Ireland) Order 1983, paragraph 3 of Schedule 1 and paragraph 5 of Schedule 2; the Social Security (Northern Ireland) Order 1989, paragraph 1(2) of Schedule 3; and the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991, paragraph 10 of Schedule 1. Section 115(1) and (2) and (4) to (6) was extended by virtue of the Social Security (Northern Ireland) Order 1986, Article 53(3), (4) and (6) and paragraph 4 of Schedule 7.
	Section 115D	The Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991, paragraph 13 of Schedule 1.

Column (1) <i>Provision</i>	Column (2) <i>Relevant amendments</i>
<p>Section 119(3) and (4)</p> <p>Schedule 13</p>	<p>The Social Security (Northern Ireland) Order 1986, Schedule 10 with a saving by Article 4 of the Social Security (1986 Order) (Commencement No. 3) Order (Northern Ireland) 1987(a). Section 119(3) and (4) was extended by virtue of the Social Security (Northern Ireland) Order 1986, Article 53(3) and (6) and paragraph 4(1) of Schedule 7.</p> <p>The Social Security Adjudications (Northern Ireland) Order 1983, paragraph 9 of Schedule 1; the Social Security (Northern Ireland) Order 1986, paragraph 16 of Schedule 5; the Social Security (Northern Ireland) Order 1989, paragraphs 4 and 10 of Schedule 3; the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991, paragraph 17 of Schedule 1 and extended by the Social Security (Northern Ireland) Order 1986, Article 53(3) and (6) and paragraph 4(1) of Schedule 7.</p>

Regulations revoked

Column (1) <i>Citation</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
The Social Security (Adjudication) (Amendment No. 2) Regulations (Northern Ireland) 1987	S.R. 1987 No. 466	Regulation 7(a)
The Social Security (Common Provisions) (Miscellaneous Amendments) Regulations (Northern Ireland) 1988	S.R. 1988 No. 369	Regulation 2(2), (3) and (4)
The Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1989	S.R. 1989 No. 397	Regulation 3
The Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1990	S.R. 1990 No. 119	Regulation 9
The Social Security (Mobility Allowance and Adjudication) (Amendment) Regulations (Northern Ireland) 1991	S.R. 1991 No. 107	Regulation 3

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Adjudication) Regulations (Northern Ireland) 1987 ("the principal regulations") and are consequential upon the coming into operation of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991. They make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulations 3 to 7 amend regulations 2 to 4, 6 and 7 of the principal regulations (which make provision for adjudication procedures common to all social security benefits) by inserting references to disability appeal tribunals.

Regulation 8 amends regulation 20 of the principal regulations (notification of decisions) so that it applies to decisions of an adjudication officer relating to claims for attendance allowance, disability living allowance and disability working allowance.

Regulation 9 inserts a new Section relating to the adjudication of claims for attendance allowance, disability living allowance and disability working allowance into the principal regulations and in particular prescribes—

- (a) a period of three months as the period during which a claimant may ask for a review of an adjudication officer's decision on any ground (regulation 26A); and
- (b) the cases in which a claimant may appeal to a disability appeal tribunal (regulation 26C).

Regulations 10 and 11 revoke regulation 29(1)(c) (determination of medical questions) and Section E of Part III (The Attendance Allowance Board) and Section B of Part IV (mobility allowance) of the principal regulations.

Regulation 12 amends regulation 64A of the principal regulations so as to enable a decision on a review relating to disability living allowance, disability working allowance and attendance allowance to take effect, in certain circumstances, from the date from which the authority giving the decision being reviewed could have awarded benefit.

Regulation 13 amends regulation 65 of the principal regulations so as to remove the reference to mobility allowance and make provision for the date on which a review of a decision relating to attendance allowance or disability living allowance shall take effect and regulation 14 inserts a new regulation 70B into the principal regulations which makes provision for the date on which a review of disability working allowance shall take effect.

Regulation 15 amends Schedule 2 to the principal regulations so as to provide time limits for the making of appeals and applications for leave to appeal against decisions relating to attendance allowance, disability living allowance and disability working allowance.

Regulation 16 enables certain provisions in the principal regulations relating to mobility allowance which are revoked by these regulations to continue to apply for a specified period.

Regulation 17 makes consequential revocations.