

1994 No. 150

SOCIAL SECURITY

**The Social Security (Adjudication) (Amendment No. 2)
Regulations (Northern Ireland) 1994**

Made 15th April 1994

Coming into operation 11th May 1994

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 44(3)(a) and 57(1) of, and paragraphs 2 and 3 of Schedule 3 to, the Social Security Administration (Northern Ireland) Act 1992(a) 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 No. 2) Regulations (Northern Ireland) 1994 and shall come into operation on 11th May 1994.

(2) 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 the Social Security (Adjudication) Regulations

2.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1987(c) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1 (interpretation) after paragraph (5) there shall be added the following paragraph—

“(6) Unless otherwise provided, where any power is conferred by these regulations on a chairman of an appeal tribunal, a medical appeal tribunal or a disability appeal tribunal then—

(a) where that power is to be exercised at the hearing of an appeal or application, it shall be exercised by the chairman of the tribunal hearing that appeal or application; and

(b) otherwise, it shall be exercised by a person who is eligible to be nominated to act as a chairman of an appeal tribunal under section 39 of the Administration Act.”

(3) In regulation 5 (postponement and adjournment) after paragraph (1) there shall be inserted the following paragraph—

(a) 1992 c. 8

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

(c) S.R. 1987 No. 82; relevant amending regulations are S.R. 1990 No. 119 and S.R. 1992 No. 36

“(1A) A chairman may of his own motion at any time before the beginning of an oral hearing postpone that hearing.”.

(4) In regulation 7 (striking-out of proceedings for want of prosecution)—

(a) in paragraph (1) after “prosecution” there shall be inserted “including the failure of the appellant to comply with a direction given by the chairman under regulation 2(1)(a)”;

(b) in paragraph (2) for “Before making an order under paragraph (1) the chairman shall send notice” there shall be substituted “The chairman shall not make an order under paragraph (1) before a notice has been sent”; and

(c) in paragraph (3) after “the party concerned,” there shall be inserted “made not later than 12 months beginning with the date of the order made under paragraph (1),”.

(5) In Schedule 2 (time limits for making applications, appeals or references) for paragraph 3 there shall be substituted the following paragraph—

<p>“3. Reference by the Department notifying the adjudication officer that a decision of an adjudicating medical practitioner ought to be considered by a medical appeal tribunal (section 44(3) of the Administration Act).</p>	<p>An office of the Department.</p>	<p>3 months beginning with the date of the decision of the adjudicating medical practitioner.”.</p>
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Revocation

3. Regulation 10 of the Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1990(a) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 15th April 1994.

(L.S.)

W. G. Purdy

Assistant Secretary

(This note is not part of the Regulations.)

These regulations amend the Social Security (Adjudication) Regulations (Northern Ireland) 1987 as follows—

- (a) regulation 1 is amended so that any person who is eligible to be nominated as a chairman of a tribunal may exercise a chairman's powers;
- (b) regulation 5 is amended to enable a chairman to postpone a hearing of his own motion;
- (c) regulation 7 is amended to prevent the reinstatement of an appeal more than 12 months after it is struck out; and
- (d) Schedule 2 is amended to provide a 3 month time limit for the Department to refer to an adjudication officer a decision which ought to be considered by a medical appeal tribunal.

Regulation 3 contains a consequential revocation.

These regulations correspond 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.