
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 164

SOCIAL SECURITY

**The Social Security (Adjudication) (Amendment)
Regulations (Northern Ireland) 1997**

Made - - - - *19th March 1997*

Coming into operation *28th April 1997*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 21(10), 32(4), 46(3) and 165(1) of the Social Security Administration (Northern Ireland) Act 1992⁽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) 1997 and shall come into operation on 28th April 1997.

(2) The Interpretation Act (Northern Ireland) 1954⁽²⁾ shall apply to these Regulations as it applies to a Measure of the Assembly.

Amendment of the Social Security Adjudication Regulations

2.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1995⁽³⁾ shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation) after the definition of “disability question” there shall be inserted the following definition—

““full statement of the tribunal’s decision” means the statement referred to in regulations 23(3A), 29(6A) and 38(5A)⁽⁴⁾.”

(3) In regulation 24 (application for leave to appeal to a Commissioner from an appeal tribunal)—

(a) for paragraph (1) there shall be substituted the following paragraph—

(1) 1992 c. 8
(2) 1954 c. 33 (N.I.)
(3) S.R. 1995 No. 293, to which there are amendments not relevant to these regulations
(4) Regulations 23(3A), 29(6A) and 38(5A) were inserted by S.R. 1996 No. 457

“(1) Subject to the following provisions of this regulation, an application to the chairman of an appeal tribunal for leave to appeal to a Commissioner from a decision of an appeal tribunal shall—

(a) be made in accordance with regulation 3 and Schedule 2; and

(b) have annexed to it a copy of the full statement of the tribunal’s decision.”; and

(b) in paragraph (3) “made under paragraph (1)(a) shall be recorded in the record of the proceedings of the tribunal, and on an application under paragraph (1)(b)” shall be omitted.

(4) In regulation 32 (application for leave to appeal to a Commissioner from a disability appeal tribunal) for paragraph (1) there shall be substituted the following paragraph—

“(1) Subject to the following provisions of this regulation, 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—

(a) be made in accordance with regulation 3 and Schedule 2; and

(b) have annexed to it a copy of the full statement of the tribunal’s decision.”.

(5) In regulation 39 (application for leave to appeal to a Commissioner from a medical appeal tribunal) for paragraph (1) there shall be substituted the following paragraph—

“(1) Subject to the following provisions of this regulation, an application to the chairman of a medical appeal tribunal for leave to appeal to a Commissioner from a decision of a medical appeal tribunal shall—

(a) be made in accordance with regulation 3 and Schedule 2; and

(b) have annexed to it a copy of the full statement of the tribunal’s decision.”.

(6) In Schedule 2 (time limits for making applications, appeals or references) in column (3) of paragraphs 7, 8 and 9 for “a copy of the record of the decision was given to the applicant” there shall be substituted “a copy of the full statement of the tribunal’s decision was given or sent to the applicant”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

19th March 1997.

John O'Neill
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Adjudication) Regulations (Northern Ireland) 1995 to provide that any application for leave to appeal to a Commissioner from a decision of a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal shall be accompanied by a copy of the tribunal's statement of the reasons for its decision and of its findings on questions of fact material thereto.

The Regulations also amend the time limit for making an application to the chairman of a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal for leave to appeal to a Commissioner so that it begins with the date on which the tribunal's statement of the reasons for its decision and of its findings on questions of fact material thereto is given or sent to the applicant.

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