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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 241**

**SOCIAL SECURITY**

**The Social Security (Claims and Payments)  
(Amendment) Regulations (Northern Ireland) 1998**

*Made* - - - - *2nd July 1998*  
*Coming into operation* *3rd August 1998*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 5(1)(o) and (oo) and 165(4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(1) and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made by virtue of paragraph 5(1) of Schedule 5 to the Social Security (Northern Ireland) Order 1998(2), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 3rd August 1998.

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

**Amendment of the Social Security (Claims and Payments) Regulations**

2. For regulation 36A of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(4) (suspension in identical cases) there shall be substituted the following regulation—

“**36A.** Where—

- (a) an appeal is pending against the decision given in a case (“the primary case”) by a Commissioner or a court; and
- (b) it appears to the Department that if the appeal were to be determined in a particular way an issue would arise whether the award in another case (“the secondary case”) ought to be revised,

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(1) 1992 c. 8; section 5(1)(oo) was inserted by paragraph 5(1) of Schedule 5 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))  
(2) S.I. 1998/1506 (N.I. 10)  
(3) 1954 c. 33 (N.I.)  
(4) S.R. 1987 No. 465; relevant amending regulations are S.R. 1992 No. 83 and S.R. 1993 No. 375

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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the Department may direct that payment of benefit under the award in the secondary case be suspended, in whole or in part, for as long as the appeal against the decision given in the primary case is pending.”.

**Revocation**

**3.** Regulation 3(9) of the Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 1993<sup>(5)</sup> is hereby revoked.

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

L.S.

2nd July 1998.

*John O'Neill*  
Assistant Secretary

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”) in relation to the suspension of payment of benefit under an award.

Regulation 2 substitutes in the Claims and Payments Regulations a new regulation 36A, which provides that the Department of Health and Social Services may suspend payment, in whole or in part, where an appeal is pending against the decision given in a different case by a Social Security Commissioner or a court, and it appears to that Department that if the appeal were to be determined in a particular way an issue would arise whether the award in the case itself ought to be revised.

Regulation 3 makes a consequential revocation.

Section 5(1)(oo) of the Social Security Administration (Northern Ireland) Act 1992, one of the enabling provisions under which these Regulations are made, was inserted by paragraph 5(1) of Schedule 5 to the Social Security (Northern Ireland) Order 1998 and brought into operation on 1st July 1998 by virtue of Article 1(3) of that Order. Since the Regulations are made before the end of the period of 6 months from the commencement of that provision they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992, from reference to the Social Security Advisory Committee.