STATUTORY RULES OF NORTHERN IRELAND

1999 No. 162

The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999

PART IV

RIGHTS OF APPEAL AND PROCEDURE FOR BRINGING APPEALS

CHAPTER I

General appeals matters not including child support appeals

Other persons with a right of appeal

25. For the purposes of Article 13(2)(b), the following other persons have a right to appeal to an appeal tribunal—

(a) any person appointed by the Department under regulation 33(1) of the Claims and Payments Regulations to act on behalf of another;

(b) any person claiming attendance allowance or disability living allowance on behalf of another under section 66(2)(b) of the Contributions and Benefits Act or, as the case may be, section 76(3) of that Act; and

(c) in relation to a pension scheme, any person who, for the purposes of Part X of the Pension Schemes Act, is an employer, member, trustee or manager by virtue of section 142(8) of that Act.

Decisions against which an appeal lies

26. An appeal shall lie to an appeal tribunal against a decision made by the Department—

(a) as to whether a person is entitled to a relevant benefit for which no claim is required by virtue of regulation 3 of the Claims and Payments Regulations; or

(b) as to whether a payment be made out of the social fund to a person to meet expenses for heating by virtue of regulations made under section 134(2) of the Contributions and Benefits Act.

Decisions against which no appeal lies

27.—(1) No appeal lies to an appeal tribunal against a decision set out in Schedule 1.

(2) In paragraph (1) and Schedule 1, "decision" includes determinations embodied in or necessary to a decision.

(3) An appeal brought against a decision specified in paragraph (1) may be struck out in accordance with regulation 46.

Notice of decision against which appeal lies

28.—(1) A person with a right of appeal under the Order or these Regulations against any decision of the Department shall—

(a) be given written notice of the decision against which the appeal lies;

(b) be informed that, in a case where that written notice does not include a statement of the reasons for that decision, he may, within one month of the date of notification of that decision, request that the Department provide him with a written statement of the reasons for that decision; and

(c) be given written notice of his right of appeal against that decision.

(2) Where a written statement of the reasons for the decision is not included in the written notice of the decision and is requested under paragraph (1)(b), the Department shall provide that statement within 14 days of receipt of the request.

Further particulars required relating to certificate of recoverable benefits appeals or applications

29.—(1) An appeal or application under the Recovery of Benefits Order relating to a certificate of recoverable benefits shall, in addition to any requirements specified in regulation 33, include the following particulars—

(a) in the case of an appeal, the date of the certificate of recoverable benefits or the decision by the Department on review against which the appeal is brought, the question under Article 13 of the Recovery of Benefits Order to which the appeal relates and a summary of the arguments relied on by the appellant to support his contention that the certificate is wrong; and

(b) in the case of an application for an extension of time under regulation 32, in relation to the appeal which it is proposed to bring, the particulars required under sub-paragraph (a) together with particulars of the special circumstances on which the application is based.

(2) Where the appeal or the application for an extension of time is made by a person to whom a compensation payment has been made, a copy of the statement given to that person under Article 11 of the Recovery of Benefits Order or if that statement was not in writing, a written summary of it, shall be sent with the appeal or application.

(3) Where it appears to the Department that an appeal or application does not contain the further particulars required under paragraph (1) or is not accompanied by a written statement or summary as required under paragraph (2), it may direct the appellant or applicant to provide such particulars or such a statement or summary.

(4) Where paragraph (3) applies, the time specified for making the appeal or application may be extended by such period, not exceeding 14 days from the date of the Department's direction under paragraph (3), as the Department may determine.

(5) Where further particulars or a written statement or summary are required under paragraph (3), they shall be sent or delivered to the Department within such period as it may direct.

(6) The Department may treat any appeal relating to the certificate of recoverable benefits as an application for review under Article 12 of the Recovery of Benefits Order(**1**).

(**1**) Article 12(1) was substituted by paragraph 120(1) of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I.1998/1506 (N.I. 10))