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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 371**

**The Social Security (1998 Order) (Commencement No. 8 and Savings, Consequential and Transitional Provisions) Order (Northern Ireland) 1999**

Modifications

**Modification of the Social Security (Payments on account, Overpayments and Recovery) Regulations**

16. The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(1) shall have effect in relation to any benefit mentioned in Article 2(b) as if—

- (a) in regulation 1(2) (interpretation)—
  - (i) after the definition of “the Order” there were inserted the following definition—

““the 1998 Order” means the Social Security (Northern Ireland) Order 1998;”,  
and
  - (ii) for the definition of “adjudicating authority”(2) there were substituted the following definition—

““adjudicating authority” means, as the case may require, the Department, an appeal tribunal to which there is a right of appeal pursuant to Article 13 of the 1998 Order or a Commissioner to whom an appeal lies under Article 15 of that Order;”;
- (b) in regulation 2(1)(b) (making of interim payments) for “a reference, review,” there were substituted “an”;
- (c) in regulation 5(2) (offsetting prior payment against subsequent award)—
  - (i) for Case 1 there were substituted—

**“Case 1: Payment pursuant to a decision which is revised, superseded or overturned on appeal**

Where a person has been paid a sum by way of benefit pursuant to a decision which is subsequently revised under Article 10 of the 1998 Order, superseded under Article 11 of that Order or overturned on appeal.”, and

- (ii) in Case 2 “, on review or appeal,” were omitted;
- (d) in the heading to Part VI “Revision of Determination and” were omitted; and
- (e) in regulation 12 (circumstances in which determination need not be revised)—
  - (i) for “or revision of determination” there were substituted “, revision or supersession”,  
and

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(1) S.R. 1988 No. 142; relevant amending regulations are S.R. 1992 No. 6

(2) The definition of “adjudicating authority” was amended by regulation 14(2)(a) of S.R. 1992 No. 6

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**Status:** This is the original version (as it was originally made).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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- (ii) for “for reviewing and revising the determination under which payment was made” there were substituted “for the decision pursuant to which the payment was made to be revised under Article 10 of the 1998 Order or superseded under Article 11 of that Order”.