
STATUTORY RULES OF NORTHERN IRELAND

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 Benefit (Dependency) Regulations

14. The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(1) shall have effect in relation to any benefit mentioned in Article 2(b) as if in regulation 1(2) (interpretation) for the definition of “the determining authority”(2) there were substituted the following definition—

““the determining 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 Social Security (Northern Ireland) Order 1998 or a Commissioner to whom an appeal lies under Article 15 of that Order;”.

Modification of the Social Security (Claims and Payments) Regulations

15. The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(3) shall have effect in relation to any benefit mentioned in Article 2(b) as if—

- (a) in regulation 2(1) (interpretation)—
 - (i) after the definition of “the Jobseekers Order”(4) there were inserted the following definition—

““the 1998 Order” means the Social Security (Northern Ireland) Order 1998;”,
 - (ii) the definition of “adjudicating authority” were omitted, and
 - (iii) in the definition of “claim for benefit” in paragraph (c) for “the review of an award or” in both places where it occurs there were substituted “a revision under Article 10 of the 1998 Order or supersession under Article 11 of that Order of”;
- (b) in regulation 13 (advance claims and awards)—
 - (i) in paragraph (1) for “the adjudicating authority” and “that authority” there were substituted “the Department”, and
 - (ii) in paragraph (2) for “An award under paragraph (1)(b) shall be reviewed by the adjudicating authority” there were substituted “A decision pursuant to paragraph (1) (b) to award benefit may be revised under Article 10 of the 1998 Order”;
- (c) in regulation 17(7) (duration of awards) “; and where those requirements are not satisfied the award shall be reviewed” were omitted;

(1) S.R. 1977 No. 74; relevant amending regulations are S.R. 1984 No. 174

(2) The definition of “the determining authority” was substituted by regulation 8 of S.R. 1984 No. 174

(3) S.R. 1987 No. 465; relevant amending regulations are S. R. 1989 No. 398, S.R. 1992 Nos. 7 and 83, S.R. 1993 No. 375, S.R. 1994 Nos. 345 and 484, S.R. 1996 Nos. 85, 354 and 432 and S.R. 1998 No. 241

(4) The definition of “the Jobseekers Order” was inserted by regulation 2(2)(a) of S.R. 1996 No. 354

- (d) in Part V (suspension and extinguishment)—
 - (i) in the heading “Suspension and”, and
 - (ii) regulations 36 to 36B(5) (suspension and withholding of benefit), were omitted; and
- (e) in regulation 37(2A)(6) (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period)—
 - (i) for “adjudicating authority” in both places where it occurs there were substituted “Department”,
 - (ii) in sub-paragraph (a) for “the Department has” there were substituted “it”, and
 - (iii) in sub-paragraph (c) “the Department has certified” and “that”, in each place where it occurs, were omitted and, in head (ii), for “it” there were substituted “the Department”.

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(7) 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”(8) 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;

(5) Regulations 36 to 36B were substituted for regulation 36 by regulation 7(9) of S.R. 1992 No. 83, regulation 36 was amended by regulation 3(8) of S.R. 1993 No. 375, regulation 2(17) of S.R. 1996 No. 354 and regulation 2(4) of S.R. 1996 No. 432, regulation 36A was substituted by regulation 2 of S.R. 1998 No. 241, regulations 36AA and 36AB were inserted by regulation 2(6) of S.R. 1994 No. 345 and regulation 36AA was amended by regulation 2(18) of S.R. 1996 No. 354 and regulation 2(5) of S.R. 1996 No. 432

(6) Paragraph (2A) was inserted by regulation 6(3) of S.R. 1989 No. 398 and amended by regulation 3(10) of S.R. 1993 No. 375

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

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

- (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
 - (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”.

Modification of the Social Security Benefit (Computation of Earnings) Regulations

17. The Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996⁽⁹⁾ shall have effect in relation to any benefit mentioned in Article 2(b) as if—

- (a) subject to the following paragraphs, for “the adjudicating authority” and “an adjudicating authority” in each place where they occur there were substituted “the Department”;
- (b) in regulation 2(1) (interpretation)—
 - (i) after the definition of “the Employment Rights Order” there were inserted the following definition—

““the Order” means the Social Security (Northern Ireland) Order 1998;”, and
 - (ii) the definition of “adjudicating authority” were omitted;
- (c) in regulation 4 (notional earnings)—
 - (i) in paragraph (1) for “of the determination of the claim or of any subsequent review, the adjudicating authority shall treat the claimant” there were substituted “on which a decision falls to be made by the Department under Chapter II of Part II of the Order or regulations made thereunder, the claimant shall be treated”, and
 - (ii) in paragraph (2) “the adjudicating authority shall treat the claimant” there were substituted “the claimant shall be treated”;
- (d) in regulation 6(8) (calculation of earnings of employed earners), in paragraph (b)(ii)(bb) of the definition of “part-time employment” for “of review” there were substituted “on which a revision or supersession of a decision falls to be made”;
- (e) in regulation 13(8) (calculation of net profit of self-employed earners) for “The adjudicating authority shall refuse to make a deduction” there were substituted “A deduction shall not be made” and for “it is not” there were substituted “the Department is not”;
- (f) in regulation 14(2) (deduction of tax and contributions for self-employed earners) for “of the determination of the claim or of any subsequent review” in both places where it occurs there were substituted “on which a decision is made by the Department under Chapter II of Part II of the Order or regulations made thereunder”; and
- (g) regulation 16 (transitional provision to suspend benefit and make interim payments) were omitted.