
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 472

**The Social Security (1998 Order) (Commencement
No. 11 and Consequential and Transitional
Provisions) Order (Northern Ireland) 1999**

Consequential Amendments

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

11.—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(1) shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the Order” there shall be inserted the following definition—

““the 1998 Order” means the Social Security (Northern Ireland) Order 1998;” and

(b) for the definition of “adjudicating authority”(2) there shall be 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;”.

(3) In regulation 2(1)(b) (making of interim payments) for “a reference, review,” there shall be substituted “an”.

(4) In regulation 5(2) (offsetting prior payment against subsequent award)—

(a) for Case 1 there shall be substituted—

“Payment pursuant to a decision which is revised, superseded or overturned on appeal

Case 1: 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paid a sum by way of benefit pursuant to a decision which is subsequently revised under Article 10 of the 1998 Order, superseded under Article 11 of that Order or overturned on appeal.”; and

(b) in Case 2 “, on review or appeal,” shall be omitted.

(5) In regulation 8(2) (duplication and prescribed payments) for “on review” there shall be substituted “by way of revision or supersession”.

(6) In Part VI (revision of determination and calculation of amount recoverable), in the heading “REVISION OF DETERMINATION AND” shall be omitted.

(7) In regulation 12 (circumstances in which determination need not be revised)—

(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](#)

- (a) in the heading for “revised” there shall be substituted “reversed, varied, revised or superseded”;
 - (b) for “or revision of determination” there shall be substituted “, revision or supersession”;
and
 - (c) for “for reviewing and revising the determination under which payment was made” there shall be 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”.
- (8) In regulation 23 (increase of amount of award on appeal or review)—
- (a) in the heading for “review” there shall be substituted “otherwise”;
 - (b) for “on review by an adjudicating authority” there shall be substituted “otherwise”; and
 - (c) in paragraph (b) for “were the earnings subsequently reviewed under regulation 24” there shall be substituted “,where a notice of variation of protected earnings is given under regulation 24, were the earnings stated in that notice”.
- (9) In regulation 24 (review of determination of protected earnings)—
- (a) for the heading there shall be substituted “Notice of variation of protected earnings”;
 - (b) paragraph (1) shall be omitted; and
 - (c) for paragraph (2) there shall be substituted the following paragraph—
 - “(2) The Department shall give a claimant’s employer written notice varying the deduction notice where a decision as to a claimant’s protected earnings is revised or superseded.”.
- (10) In regulation 25(2)(b) (power to serve further deduction notice on resumption of employment) for “reviewed under regulation 24” there shall be substituted “varied”.
- (11) In regulation 26 (right of the Department to recover direct from the claimant) for “the Department has received a decision of the adjudicating authority under regulation 19 and it is at any time not practicable for it” there shall be substituted “, at any time, it is not practicable for the Department”.