
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 (“the Prescribed Diseases Regulations”), the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”), the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992 (“the Maintenance Assessment Procedure Regulations”), the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996 (“the Departure Direction Regulations”) and the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the Decisions and Appeals Regulations”).

Regulation 2 amends the Prescribed Diseases Regulations in consequence of the changes to the decision-making process for social security introduced by the Social Security (Northern Ireland) Order 1998 (“the Order”).

Regulation 3 amends the Claims and Payments Regulations to provide that in cases where an award of benefit has the effect of making another relevant benefit payable or payable at an increased rate, the periods of entitlement to the two benefits shall be the same in the circumstances specified.

Regulations 4 and 5 respectively amend the Maintenance Assessment Procedure Regulations and the Departure Direction Regulations to provide for the effective date of a superseding decision on a change of circumstances where a child ceases to be a qualifying child.

Regulation 6 amends the Decisions and Appeals Regulations to make provision as regards—

- the power to revise or supersede a decision;
- the effective date of a superseding decision in specified circumstances;
- the disapplication of Article 9(2) of the Order to cases where there is a recrudescence of a prescribed disease;
- when an appeal is pending for the purposes of Article 21(3)(c) of the Order;
- the time when payments of benefit which have been suspended shall be payable;
- the right of appeal against a decision made on a percentage assessment of disability in industrial injury benefit cases;
- the discontinuation of action on an appeal in certain circumstances;
- the composition of an appeal tribunal;
- the decision taken by a legally qualified panel member whether to withhold medical advice and evidence from a claimant;
- the striking out of appeals;
- persons entitled to be present at an appeal tribunal hearing;
- when a statement of the reasons for a decision is to be recorded;
- calculation of the time for applying for a statement of the reasons for an appeal tribunal’s decision;
- the correction by the clerk to an appeal tribunal or a legally qualified panel member of accidental errors in decisions;
- the setting aside of a decision of an appeal tribunal on certain grounds;

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the way in which certain time limits are to be calculated; and
the circumstances in which an application for leave to appeal may be determined by a legally qualified panel member.

Regulation 7 makes consequential revocations.

These Regulations correspond to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.