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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 3**

**SOCIAL SECURITY**

**The Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations (Northern Ireland) 2000**

*Made* - - - - *26th January 2000*

*Coming into operation* *17th February 2000*

The Department for Social Development, in exercise of the powers conferred by Articles 11(6) and 74(1) and (3) of the Social Security (Northern Ireland) Order 1998<sup>(1)</sup>, and now vested in it<sup>(2)</sup>, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security and Child Support (Decisions and Appeals) (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 17th February 2000.

**Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations**

2.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999<sup>(3)</sup> shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 7 (date from which a decision superseded under Article 11 takes effect) for paragraph (9) there shall be substituted the following paragraph—

“(9) A decision relating to attendance allowance or disability living allowance which is advantageous to the claimant and which is made under Article 11 on the basis of a relevant change of circumstances shall take effect from—

(a) where the decision is made on the Department’s own initiative, the date of that decision;

(b) where—

(i) the change is relevant to the question of entitlement to a particular rate of benefit; and

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(1) S.I.1998/1506 (N.I. 10)

(2) See Article 8(b) of S.R. 1999 No. 481

(3) S.R. 1999 No. 162, to which there are amendments not relevant to these regulations

- (ii) the claimant notifies the change before a date one month after he satisfied the conditions of entitlement to that rate or within such longer period as may be allowed under regulation 8, the first pay day (as specified in Schedule 6 to the Claims and Payments Regulations<sup>(4)</sup>) after he satisfied those conditions;
- (c) where—
  - (i) the change is relevant to the question of whether benefit is payable; and
  - (ii) the claimant notifies the change before a date one month after the change or within such longer period as may be allowed under regulation 8, the first pay day (as specified in Schedule 6 to the Claims and Payments Regulations) after the change occurred; or
  - (d) in any other case, the date of the application for the superseding decision.”.
- (3) In regulation 8 (effective date for late notifications of change of circumstances)—
  - (a) in paragraph (1) after “regulation 7(2)” there shall be inserted “and (9)”; and
  - (b) in paragraphs (2) and (5) after “regulation 7(2)” there shall be inserted “or (9)”.

Sealed with the Official Seal of the Department for Social Development on 26th January 2000.

L.S.

*John O'Neill*  
Senior Officer of the  
Department for Social Development

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(4) S.R. 1987 No. 465; relevant amending regulations are S.R. 1992 No. 7

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.

Regulation 7(9) is amended to provide, in relation to attendance allowance and disability living allowance cases, for the effective date of a supersession which is to a claimant's advantage where there has been a relevant change of circumstances.

Regulation 8 is amended to include references to regulation 7(9).

These Regulations make in relation to Northern Ireland only provision corresponding 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.