
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992, the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the Decisions and Appeals Regulations”), the Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations (Northern Ireland) 2008 (“the Mesothelioma Regulations”) and the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012.

Regulation 3(3) amends the Decisions and Appeals Regulations to enable the Department for Social Development (“the Department”) to require a person to apply for a decision to be revised pursuant to Article 10 of the Social Security (Northern Ireland) Order 1998 before the person is permitted to appeal to an appeal tribunal.

The restriction applies where the Department gives a person written notice to that effect and, in such cases, a person has a right to appeal only if the Department has considered on an application whether to revise the decision. These Regulations also make provision for the Department to treat a purported appeal as an application for a revision.

The Regulations also make similar changes to Regulations regarding other appeals relating to—
certain child support decisions;
certificates of recoverable benefits and certificates of recoverable lump sum payments; and
payments in respect of mesothelioma.

In relation to appeals relating to child support decisions the changes come into operation on 11th July 2016. For all other appeals the changes come into operation on 23rd May 2016.

These Regulations also make related amendments to enable a person who must apply for a decision to be revised before they are permitted to appeal to request a written statement of reasons for the decision, specify the time within which that statement is to be provided and for extending the time in which a person is able to make an application for a decision to be revised.

Regulation 4 inserts regulation 4A into the Mesothelioma Regulations to enable the Department to extend the time by which a person must apply for reconsideration of a determination.

An assessment of the impact of this instrument has been carried out. Copies of the impact assessment may be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D Caxton House, Tothill Street, London, SW1 9NA. It is also available alongside this instrument and the Explanatory Memorandum on www.legislation.gov.uk.