
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Welfare Reform (Northern Ireland) Order 2015

PART 6

Social security: general

Appeals

Power to require consideration of revision before appeal

- 107.**—(1) The Social Security (Northern Ireland) Order 1998 is amended as follows.
- (2) In Article 13 (appeal to appeal tribunal), in paragraph (2)—
- (a) the words from “in relation to” to the end become sub-paragraph (a), and
 - (b) after that sub-paragraph insert—
 - “, or
 - (b) where regulations under paragraph (3A) so provide.”
- (3) After paragraph (3) of that Article insert—
- “(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal under paragraph (2) in relation to a decision only if the Department has considered whether to revise the decision under Article 10.
- (3B) The regulations may in particular provide that that condition is met only where—
- (a) the consideration by the Department was on an application,
 - (b) the Department considered issues of a specified description, or
 - (c) the consideration by the Department satisfied any other condition specified in the regulations.
- (3C) The references in paragraphs (3A) and (3B) to regulations and to the Department are subject to any statutory provision under or by virtue of which the functions under this Chapter are transferred to or otherwise made exercisable by a person other than the Department.”
- (4) After paragraph (5) of that Article insert—
- “(5A) Regulations may provide that, where in accordance with regulations under paragraph (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under Article 10.”
- (5) In Article 75(2)(a) (confirmatory procedure for certain regulations) after “13(2)” insert “or (3A)”.
- (6) Schedule 11 contains similar amendments to other legislation.
- (7) Paragraph (8) applies where regulations under a provision mentioned in paragraph (9) are made so as to have effect in relation to a limited area (by virtue of provision made under Article 2(3)).

(8) Any power to make, in connection with those regulations, provision as respects decisions and appeals may be exercised so that that provision applies only in relation to the area mentioned in paragraph (7).

(9) The provisions referred to in paragraph (7) are—

- (a) Article 13(3A) of the Social Security (Northern Ireland) Order 1998;
- (b) paragraph (2A) of Article 22 of the Child Support (Northern Ireland) Order 1991 (as substituted by section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000);
- (c) paragraph (3A) of Article 22 of the Child Support (Northern Ireland) Order 1991 (as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000);
- (d) Article 13(2A) of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997;
- (e) paragraph 6(5A) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;
- (f) section 5(1A) of the Mesothelioma, etc., Act (Northern Ireland) 2008.