

**Changes to legislation:** The Social Security (Northern Ireland) Order 1998 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 1

#### APPEAL TRIBUNALS: SUPPLEMENTARY PROVISIONS

##### *Tenure of office*

1.—(1) Subject to the following provisions of this paragraph, the President of appeal tribunals shall hold and vacate office in accordance with the terms of his appointment.

[<sup>F1</sup>(1A) Those terms are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the [<sup>F2</sup>Department of Justice].]

(2) The President shall vacate his office on the day on which he attains the age of [<sup>F3</sup>75]

(3) <sup>F4</sup> .....

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| <b>F1</b> | Sch. 1 para. 1(1A) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7)(a), <b>Sch. 4 para. 31</b> (with Sch. 5 para. 16); S.I. 2010/812, <b>art. 2</b>             |
| <b>F2</b> | Words in Sch. 1 para. 1(1A) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), <b>Sch. para. 13</b> ; S.R. 2010/147, <b>art. 2(2)</b> |
| <b>F3</b> | Word in Sch. 1 para. 1(2) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), <b>Sch. 1 para. 31</b> (with Sch. 1 para. 43)       |
| <b>F4</b> | Sch. 1 para. 1(3) repealed (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, Sch. 13; S.R. 2006/124, <b>art. 2</b> , Sch. paras. 9, 11(k)                          |

##### *Remuneration, etc.*

2. The Department may pay, or make such payments towards the provision of, such remuneration, pensions or allowances to or in respect of the President as it may determine.

3. The Department may pay, or make such payments towards the provision of, such remuneration, pensions or allowances to or in respect of any person appointed under this Chapter to act as a member of an appeal tribunal, or as an expert to such a tribunal, as it may determine.

[<sup>F5</sup>**3A.** Paragraph 2 and 3, so far as relating to pensions and allowances by way of superannuation, shall not have effect in relation to persons to whom a pension is payable under a scheme made by the Department of Justice under section 1 of the Public Service Pensions Act (Northern Ireland) 2014 by virtue of section 1(2)(b) (holders of judicial office), except to the extent provided by or under that Act.]

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| <b>F5</b> | Sch. 1 para. 3A inserted (28.4.2014) by Public Service Pensions Act (Northern Ireland) 2014 (c. 2), s. 37(2), <b>Sch. 8 para. 25</b> ; S.R. 2014/123, art. 2(1)(r) |
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4.—(1) The Department may pay—

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- (a) to any person required to attend at any proceedings under Article 13 of this Order<sup>F6</sup>, Article 22 of the Child Support Order or paragraph 6 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000]; or
- (b) to any person required under this Part (whether for the purposes of this Part or otherwise) to attend for or to submit himself to medical or other examination or treatment,

such travelling and other allowances as it may determine.

(2) In this paragraph references to travelling and other allowances include references to compensation for loss of remunerative time but such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under paragraph 3.

F6 2000 c. 4 (NI)

**5.—**(1) Subject to sub-paragraph (2), the Department may pay such other expenses in connection with the work of any person or tribunal appointed or constituted under any provision of this Part as it may determine.

(2) Expenses are not payable under sub-paragraph (1) in connection with the work of a tribunal presided over by a Social Security Commissioner.

#### *Officers and staff*

**6.** The Department may appoint such officers and staff as it thinks fit for the President and for appeal tribunals.

#### *Functions of President*

**7.** The President shall ensure that appropriate steps are taken by an appeal tribunal to secure the confidentiality, in such circumstances as may be prescribed, of any prescribed material or any prescribed classes or categories of material.

**8.—**(1) The President shall, after the requisite consultation, arrange such training for persons appointed to the panel constituted under Article 7 as he considers appropriate.

(2) In sub-paragraph (1) “the requisite consultation” means—

- (a) except in the case of medical practitioners, consultation with the Department;
- (b) in the case of such practitioners, consultation with the Chief Medical Officer of the Department.

**9.** The President shall supply the Department with such reports and other information with respect to the carrying out of the functions of appeal tribunals as the Department may require.

**10.** Each year the President shall make to the Department a written report, based on the cases coming before appeal tribunals, on the standards achieved by the Department in the making of decisions against which an appeal lies to an appeal tribunal; and the Department shall publish the report.

#### *Clerks to appeal tribunals*

**11.** The Department may by regulations provide—

- (a) for clerks to be assigned to service appeal tribunals; and
- (b) for clerks so assigned to be responsible for summoning members of the panel constituted under Article 7 to serve on such tribunals.

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### *Delegation of certain functions of appeal tribunals*

**12.**—(1) The Department may by regulations provide—

- (a) <sup>F7</sup> for officers authorised by the Department to make any determinations which fall to be made by an appeal tribunal and which do not involve the determination of any appeal, application for leave to appeal or reference;
- (b) for the procedure to be followed by such officers in making such determinations;
- (c) for the manner in which such determinations by such officers may be called in question.

(2) A determination which would have the effect of preventing an appeal, application for leave to appeal or reference being determined by an appeal tribunal is not a determination of the appeal, application or reference for the purposes of sub-paragraph (1).

<b>F7</b> mod. by SI 2005/191
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### *Certificates*

**13.** A document bearing a certificate which—

- (a) is signed by a person authorised in that behalf by the Department; and
- (b) states that the document, apart from the certificate, is a record of a decision of an appeal tribunal or of an officer of the Department,

shall be conclusive evidence of the decision; and a certificate purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

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**Changes and effects yet to be applied to :**

- power to am. (prosp.) by [1998 c. 47 s.87](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act amended by [1999 c. 10 s.1\(2\)Sch.1 paras.16\(r\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 para. 7A and cross-heading inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 41\(3\)](#)
- Sch. 3 para. 3A inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 42](#)
- art. 38(1A) inserted by [2010 c. 13 \(N.I.\) s. 16\(2\)](#)