
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 293

**The Social Security (Adjudication)
Regulations (Northern Ireland) 1995**

PART IV

PROVISIONS RELATING TO PARTICULAR BENEFITS OR PROCEDURES

*SECTION A —
PRESCRIBED DISEASES*

Procedure on receipt of medical report

46.—(1) Where a diagnosis or recrudescence question is referred as provided by regulation 45(1), the adjudication officer shall, subject to the provisions of paragraph (4), proceed with the consideration of that question as soon as possible after he has received the report of the medical practitioner or practitioners to whom it was so referred.

(2) Where the question so referred is a diagnosis question, then, subject to regulation 47 (restriction of adjudication officer's power to determine diagnosis and recrudescence questions), the adjudication officer may determine the question or refer it to an adjudicating medical authority for decision.

(3) Where the question so referred is a recrudescence question, then, subject to regulation 47, the adjudication officer—

- (a) if he is satisfied having regard to the report that the disease ought to be treated as having been, in fact, contracted afresh, shall so treat it and shall determine the question accordingly; or
- (b) if he is not so satisfied, shall treat the disease as a recrudescence of the previous attack or as not having developed on or after 5th July 1948, as the case may require, and shall determine the question accordingly.

(4) Subject to the provisions of these Regulations, the provisions of sections 20, 23 to 27, 35 and 67 of the Administration Act(1) shall apply as if a diagnosis or recrudescence question were a question such as is referred to in section 35(1) of that Act and as if references in those sections to the determination of, or to the review of the decision of, such a question included references to the determination of, or to the review of the decision of, a diagnosis or recrudescence question under these Regulations.

(1) Sections 23(1) and 25(2) were amended by paragraphs 46 and 47 respectively of Schedule 1 to the Social Security (Incapacity for Work) Order (Northern Ireland) 1994 (S.I.1994/1898 (N.I. 12))