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STATUTORY RULES OF NORTHERN IRELAND

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**1995 No. 293**

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

**PART IV**

**PROVISIONS RELATING TO PARTICULAR BENEFITS OR PROCEDURES  
SECTION B —**

*INCOME SUPPORT*

**Income support and social fund questions not immediately determinable**

**56.**—(1) Where, on consideration of a claim or question relating to income support or to payment of maternity expenses from the social fund under Part VIII of the Contributions and Benefits Act, it appears to an adjudication officer that the claimant's entitlement to, or the rate or amount of, such benefit depends on the determination of—

- (a) the question as to what housing costs are to be included in the claimant's applicable amount by virtue of regulation 17(1)(e) or 18(1)(f) of, and Schedule 3 to, the Income Support Regulations<sup>(1)</sup> (applicable amounts) and the adjudication officer is satisfied that not all of those housing costs can be immediately determined, he shall proceed to determine the claim or question on the assumption that the housing costs to be included in the claimant's applicable amount are those that can be immediately determined;
- (b) any of the questions mentioned in paragraph (3) and the adjudication officer is satisfied that the question cannot be immediately determined, he shall proceed to determine the claim or question on the assumption that the determination of the question so mentioned will be adverse to the claimant.

(2) Without prejudice to the power of an adjudication officer to refer any claim or question to an appeal tribunal under section 19(2) of the Administration Act, and notwithstanding the provisions of section 20 of that Act, on an appeal to an appeal tribunal in any case where the adjudication officer has applied the provisions of paragraph (1) in relation to any of the questions mentioned or referred to in that paragraph, the tribunal shall not determine any such question until it has been determined by an adjudication officer.

(3) The questions referred to in paragraphs (1) and (2) are—

- (a) whether in relation to any person the applicable amount falls to be reduced or disregarded to any extent by virtue of section 125(3) of the Contributions and Benefits Act;

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<sup>(1)</sup> Relevant amending provisions are S.R. 1988 Nos. 146, 193, 274, 318 and 431, S.R. 1989 Nos. 139, 249 and 395, S.R. 1990 Nos. 131, 346 and 387, S.R. 1991 No. 474, S.R. 1992 Nos. 6, 85, 147 and 403, S.R. 1993 Nos. 28, 120, 149, 195, 218, 233, 311, 373 and 479, S.R. 1994 Nos. 77 and 138 and S.R. 1995 Nos. 71, 86, 101 and 162

- (b) whether by virtue of regulation 9(1) of the Income Support Regulations a person is to be treated as available for employment and whether by virtue of regulation 10(1)(b), (d) or (g) of those regulations<sup>(2)</sup> he is not to be so treated;
- (c) whether for the purposes of regulation 10(1)(a) of the Income Support Regulations after a situation in any employment has been properly notified to a claimant as vacant or about to become vacant he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him;
- (d) whether regulation 10A of the Income Support Regulations<sup>(3)</sup> applies by virtue of paragraph (3) or (4) of that regulation;
- (e) whether for the purposes of regulation 12 of the Income Support Regulations<sup>(4)</sup> a person is by virtue of that regulation to be treated as receiving relevant education;
- (f) whether in relation to any claimant the applicable amount includes severe disability premium by virtue of regulation 17(1)(d) or 18(1)(e) of, and paragraph 13 of Schedule 2 to, the Income Support Regulations<sup>(5)</sup>; and
- (g) whether regulation 22 of the Income Support Regulations<sup>(6)</sup> applies to a person by virtue of paragraph (4)(c)(iii) of that regulation and, if so, the period of its application by virtue of paragraph (6)(c) of that regulation.

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(2) Regulation 10(1)(d) was amended by regulation 5(a) of S.R. 1989 No. 365

(3) Regulation 10A was inserted by regulation 6 of S.R. 1989 No. 365 and amended by regulation 2 of S.R. 1992 No. 471

(4) Relevant amending regulations are S.R. 1990 No. 131, S.R. 1992 No. 403 and S.R. 1993 No. 373

(5) Paragraph 13 of Schedule 2 was amended by regulation 30(d) of S.R. 1988 No. 146, regulation 6(f) of S.R. 1989 No. 395, regulation 10(4)(c) of S.R. 1992 No. 6, regulation 3(2) of S.R. 1993 No. 218 and regulation 2(9)(b) of S.R. 1994 No. 327

(6) Relevant amending regulations are S.R. 1988 No. 146, S.R. 1989 Nos. 139, 249 and 365, S.R. 1990 No. 131, S.R. 1991 No. 46 and S.R. 1993 No. 149