
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 C —
REVIEW OF DECISIONS*

Review in income support cases

63.—(1) Except in a case to which regulation 57(2), (3) or (4) or regulation 58 applies, a determination on a claim or question relating to income support shall not be revised on review under section 23 of the Administration Act so as to make income support payable or to increase the amount of income support payable in respect of—

- (a) any period which falls more than 12 months before the date on which the review was requested or, where no request is made, the date of the review; or
- (b) any past period which falls within the period of 12 months mentioned in sub-paragraph (a) and has been followed by termination or interruption of entitlement to income support and—
 - (i) the total amount of the increase would be &5 or less, or
 - (ii) the grounds for review are a material fact or relevant change of circumstances of which the claimant was aware but of which he previously failed to furnish information to the Department.

(2) Section 139 of the Administration Act shall not apply to any award of income support in force in favour of a person where there is applicable to that person—

- (a) any amount determined in accordance with regulation 17(2) to (7) of the Income Support Regulations(1);
- (b) any protected sum determined in accordance with Schedule 3A(2) or 3B(3) to those regulations; or

(1) Paragraphs (2) to (7) were added by regulation 2 of S.R. 1988 No. 193 and amended by regulation 4(a) of S.R. 1989 No. 395 and paragraph 6(4) of Schedule 2 to S.R. 1993 No. 149; paragraph (6A) was inserted by regulation 4(b) of S.R. 1989 No. 395

(2) Schedule 3A was inserted by paragraph 16 of Schedule 1 to S.R. 1988 No. 318 and amended by regulation 17 of S.R. 1988 No. 431, regulation 7 of, and paragraph 11 of Schedule 1 to, S.R. 1989 No. 139, regulation 8 of S.R. 1989 No. 395, regulation 17(b) of S.R. 1990 No. 131, regulation 14(b) of S.R. 1991 No. 338 and regulation 3(3) of S.R. 1992 No. 284

(3) Schedule 3B was inserted by regulation 10 of, and paragraph 18 of Schedule 1 to, S.R. 1989 No. 139 and amended by regulation 9 of S.R. 1989 No. 395, regulation 18 of S.R. 1990 No. 131, regulation 15(b) of S.R. 1991 No. 338 and regulation 3(4) of S.R. 1992 No. 284

(c) any transitional addition, personal expenses addition or special transitional addition applicable under Part III of the Income Support (Transitional) Regulations(4).

(3) Where section 139 of the Administration Act does not apply to an award of income support by virtue of paragraph (2), that award may be reviewed by an adjudication officer or, on a reference by him, by an appeal tribunal for the sole purpose of giving effect to any change made by an order under section 132 of that Act.

(4) A determination relating to income support made by an adjudicating authority or a Commissioner shall be reviewed by an adjudication officer or, on a reference by him, by an appeal tribunal where this is necessary to give effect to—

- (a) regulation 22 of the Income Support Regulations (reductions in applicable amounts in certain cases of actual or notional unemployment benefit disqualification);
- (b) a determination given on a question to which regulation 56 (income support and social fund questions not immediately determinable) applies; or
- (c) a change of circumstances to which regulations 14 (reduction and termination of transitional and personal expenses addition) and 15 (special transitional addition) of the Income Support (Transitional) Regulations apply.

(5) Where a claimant in receipt of income support, other than a claimant to whom Part II of Schedule 4 to the Income Support Regulations(5) applies, lives in a nursing home or residential care home and is absent from the home for a period of less than one week, that absence shall not be treated as a relevant change of circumstances for the purposes of section 23(1)(b) and (c) of the Administration Act.

(6) In paragraph (5) “nursing home” and “residential care home” have the same meanings as they have in regulation 19 of the Income Support Regulations(6).

(4) Relevant amending regulations are [S.R. 1988 Nos. 132 and 153](#), [S.R. 1989 Nos. 371 and 485](#), [S.R. 1991 No. 341](#) and [S.R. 1992 No. 284](#)

(5) Relevant amending regulations are [S.R. 1988 No. 146](#) and [S.R. 1993 No. 149](#)

(6) Relevant amending regulations are [S.R. 1993 Nos. 149 and 373](#) and [S.R. 1994 No. 65](#)