
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 162

The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999

PART I
GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 and shall come into operation—

- (a) in so far as they relate to child support and for the purposes of this regulation and regulation 2, on 1st June 1999;
- (b) in so far as they relate to—
 - (i) industrial injuries benefit, guardian’s allowance and child benefit, and
 - (ii) a decision made under the Pension Schemes Act by virtue of section 165(2) of that Act,
on 5th July 1999;
- (c) in so far as they relate to retirement pension, widow’s benefit, incapacity benefit, severe disablement allowance and maternity allowance, on 6th September 1999;
- (d) in so far as they relate to family credit and disability working allowance, on 5th October 1999;
- (e) in so far as they relate to attendance allowance, disability living allowance, invalid care allowance, jobseeker’s allowance, credits of contributions or earnings and home responsibilities protection, on 18th October 1999; and
- (f) for all other purposes, on 29th November 1999.

(2) In these Regulations—

“the Order” means the Social Security (Northern Ireland) Order 1998;

“the Pension Schemes Act” means the Pension Schemes (Northern Ireland) Act 1993;

“appeal” means an appeal to an appeal tribunal;

“claimant” means—

- (a) any person who is a claimant for the purposes of section 167(1) of the Administration Act or Article 2(2) of the Jobseekers Order or any other person from whom benefit is alleged to be recoverable; and
- (b) any person subject to a decision of the Department under the Pension Schemes Act;

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(1);

“clerk to the appeal tribunal” means a clerk assigned to an appeal tribunal in accordance with regulation 37;

“the date of notification” means—

- (a) the date on which notification of a decision of the Department is treated as having been given or sent in accordance with regulation 2(b); or
- (b) in the case of a social fund payment arising in accordance with regulations made under section 134(2) of the Contributions and Benefits Act—
 - (i) the date seven days after the date on which the Department makes its decision to make a payment to a person to meet expenses for heating,
 - (ii) where a person collects an instrument of payment at a post office, the date on which the instrument is collected,
 - (iii) where an instrument of payment is sent to a post office for collection but is not collected and a replacement instrument is issued, the date on which the replacement instrument is issued, or
 - (iv) where a person questions his failure to be awarded a payment for expenses for heating, the date on which the notification of the Department’s decision made in response to that question is issued;

“financially qualified panel member” means a panel member who satisfies the requirements of paragraph 3 of Schedule 2;

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(2);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(3);

“legally qualified panel member” means a panel member who satisfies the requirements of paragraph 1 of Schedule 2;

“medically qualified panel member” means a panel member who satisfies the requirements of paragraph 2 of Schedule 2;

“misconceived appeal” means an appeal which is—

- (a) frivolous or vexatious; or
- (b) obviously unsustainable and has no prospect of success, other than an out of jurisdiction appeal;

“official error” means an error made by an officer of the Department acting as such which no person outside the Department caused or to which no person outside the Department materially contributed;

“out of jurisdiction appeal” means an appeal brought against a decision which is specified in Schedule 2 to the Order or a decision prescribed in regulation 27;

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- (1) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 Nos. 67 and 141, S.R. 1989 Nos. 40 and 398, S.R. 1991 No. 488, S.R.1992 Nos. 7, 271 and 453, S.R. 1993 Nos. 146, 149, 217 and 375, S.R. 1994 Nos. 345 and 456, S.R. 1995 No. 301, S.R. 1996 Nos. 85, 354 and 432, S.R. 1997 Nos. 155, 156, 417 and 435 and S.R. 1998 No. 182
 - (2) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 Nos. 146, 193, 274, 318, 324 and 431, S.R. 1989 Nos. 139 and 395, S.R. 1990 Nos. 131 and 297, S.R. 1991 Nos. 46 and 338, S.R. 1992 Nos. 6 and 403, S.R. 1993 Nos. 149, 218 and 373, S.R. 1994 Nos. 65, 327 and 474, S.R. 1995 Nos. 301, 350 and 434, S.R. 1996 Nos. 93, 199 and 405, S.R. 1997 Nos. 3, 165, 435 and 541, S.R. 1998 Nos. 176, 182 and 324 and S.R. 1999 No. 70
 - (3) S.R. 1996 No. 198; relevant amending regulations are S.R. 1996 Nos. 356, 358, 440 and 503, S.R. 1997 Nos. 165, 435 and 541 and S.R. 1998 Nos. 2, 176, 324 and 421

“panel” means the panel constituted under Article 7;

“panel member” means a person appointed to the panel;

“panel member with a disability qualification” means a panel member who satisfies the requirements of paragraph 4 of Schedule 2;

“party to the proceedings” means the Department and any person—

- (a) who is one of the principal parties for the purposes of Articles 14 and 15; or
- (b) who has a right of appeal to an appeal tribunal under Article 22(1) to (3) of the Child Support Order⁽⁴⁾ (including that Article as extended by paragraph 3 of Schedule 4C to that Order), Article 13(2) of the Recovery of Benefits Order or Article 13(2) of the Order;

“President” means the President of appeal tribunals appointed under Article 6;

“referral” means a referral of an application for a departure direction to an appeal tribunal under Article 28D(1)(b) of the Child Support Order⁽⁵⁾.

(3) Any reference in these Regulations to a numbered Article is to the Article of the Order bearing that number.

(4) The Interpretation Act (Northern Ireland) 1954⁽⁶⁾ shall apply to these Regulations as it applies to a Measure of the Assembly.

Service of notices or documents

2. Where, by any provision of the Order or of these Regulations—

- (a) any notice or other document is required to be given or sent to the clerk to the appeal tribunal or to an officer authorised by the Department, that notice or document shall be treated as having been so given or sent on the day that it is received by the clerk to the appeal tribunal or, as the case may be, by an officer authorised by the Department; and
- (b) any notice (including notification of a decision of the Department) or other document is required to be given or sent to any person other than the clerk to the appeal tribunal or, as the case may be, an officer authorised by the Department, that notice or document shall, if sent by ordinary post to that person’s last known address, be treated as having been so given or sent on the day that it is posted.

⁽⁴⁾ Schedule 4C was inserted by paragraph 37 of Schedule 6 to the Social Security (Northern Ireland) Order 1998

⁽⁵⁾ Article 28D was inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995

⁽⁶⁾ 1954 c. 33 (N.I.)