
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 472

**The Social Security (1998 Order) (Commencement
No. 11 and Consequential and Transitional
Provisions) Order (Northern Ireland) 1999**

Consequential Amendments

Amendment of the Social Security (Claims and Payments) Regulations

9.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(1) shall be amended in accordance with paragraphs (2) to (14).

(2) Subject to paragraphs (5)(b), (9) and (14), for “the adjudicating authority” and “an adjudicating authority” in each place where they occur there shall be substituted “the Department”.

(3) In regulation 2(1) (interpretation)—

(a) the definition of “adjudicating authority” shall be omitted; and

(b) in the definition of “claim for benefit” in paragraph (c) for “the review of an award or”—

(i) in the first place where it occurs there shall be substituted “a revision under Article 10 of the 1998 Order or supersession under Article 11 of that Order of”, and

(ii) in the second place where it occurs there shall be substituted “a revision or a supersession of”.

(4) In regulation 3 (claims not required for entitlement to benefit in certain cases) for paragraph (g)(2) there shall be substituted the following paragraph—

“(g) in the case of a jobseeker’s allowance where—

(i) payment of benefit has been suspended under regulation 16(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999, and

(ii) the claimant, whose benefit has been suspended, satisfies the conditions of entitlement (apart from the requirement to claim) to that benefit immediately the suspension ends;”.

(5) In regulation 13 (advance claims and awards)—

(a) in paragraph (1) for “that authority” there shall be substituted “the Department”; and

(b) in paragraph (2) for “An award under paragraph (1)(b) shall be reviewed by the adjudicating authority” there shall be substituted “A decision pursuant to paragraph (1)(b) to award benefit may be revised under Article 10 of the 1998 Order”.

(6) In regulation 17(7) (duration of awards) “; and where those requirements are not satisfied the award shall be reviewed” shall be omitted.

(1) S.R. 1987 No. 465; relevant amending provisions are S.R. 1988 Nos. 67 and 141, S.R. 1989 Nos. 40 and 398, S.R. 1990 No. 398, S.R. 1991 No. 488, S.R. 1992 Nos. 83 and 271, S.R. 1993 Nos. 146, 149, 217 and 375, S.R. 1996 Nos. 354 and 432, S.R. 1998 No. 182 and S.R. 1999 Nos. 246 (C. 20) and 428 (C. 32)

(2) Paragraph (g) was added by regulation 2(3) of S.R. 1996 No. 354 and amended by Article 5(3) of S.R. 1999 No. 428 (C. 32)

- (7) In regulation 26(3) (income support)—
- (a) in paragraph (1) for “the day when any change of circumstances affecting entitlement is to have” there shall be substituted “the date from which a superseding decision on the ground of a relevant change of circumstances has”; and
 - (b) in paragraphs (2) and (3) “on review” shall be omitted.
- (8) In regulation 26A(4) (jobseeker’s allowance)—
- (a) in paragraph (4)—
 - (i) for “an award of jobseeker’s allowance is revised or superseded” there shall be substituted “a decision in respect of a claim for jobseeker’s allowance is superseded”, and
 - (ii) for “revised or superseded award” there shall be substituted “supersession”;
 - (b) in paragraph (5) for “revised or superseded award” in both places where it occurs there shall be substituted “supersession”;
 - (c) in paragraph (6)—
 - (i) for “revised or superseded award” there shall be substituted “supersession”, and
 - (ii) for “the award is again revised or superseded, the award, as again revised or superseded” there shall be substituted “a further superseding decision is made, that further superseding decision”;
 - (d) in paragraph (7) for “revised or superseded award, that revised or superseded award” there shall be substituted “supersession, that supersession”; and
 - (e) in paragraph (8) for “will be impracticable to give effect to that revised or superseded award in accordance with the other provisions of this regulation, the revised or superseded award” there shall be substituted “is impracticable for a supersession to have effect in accordance with the other provisions of this regulation, the supersession”.
- (9) In regulation 31(4) (time and manner of payments of industrial injuries gratuities) “but any such decision may be varied by any adjudicating authority by whom the award of that gratuity is varied” shall be omitted.
- (10) In Part V (suspension and extinguishment), in the heading “SUSPENSION AND” shall be omitted.
- (11) In regulation 37(2A)(5) (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period)—
- (a) in sub-paragraph (a) for “the Department has” there shall be substituted “it”; and
 - (b) in sub-paragraph (c)—
 - (i) “the Department has certified” and “that”, in each place where it occurs, shall be omitted, and
 - (ii) in head (ii) for “it” there shall be substituted “the Department”.
- (12) In Schedule 7 (manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases)—
- (a) in the heading for “change of circumstances” there shall be substituted “superseding decision”; and

(3) Regulation 26 was amended by regulation 6 of [S.R. 1988 No. 141](#), regulation 4 of [S.R. 1989 No. 40](#) and regulation 2(3) of [S.R. 1993 No. 217](#)

(4) Regulation 26A was inserted by regulation 2(14) of [S.R. 1996 No. 354](#) and amended by regulation 6(2) of [S.R. 1998 No. 182](#) and Article 5(6) of [S.R. 1999 No. 428 \(C. 32\)](#)

(5) Paragraph (2A) was inserted by regulation 6(3) of [S.R. 1989 No. 398](#) and amended by regulation 3(10) of [S.R. 1993 No. 375](#)

- (b) in paragraph 7(6) (date when change of circumstances is to take effect)—
- (i) for the heading there shall be substituted “Date from which superseding decision on ground of change of circumstances takes effect”,
 - (ii) in sub-paragraph (1) for “changed because of a change of circumstances that change of circumstances” there shall be substituted “changed by a superseding decision made on the ground of a change of circumstances that superseding decision”,
 - (iii) in sub-paragraph (2) for “the decision given on review” there shall be substituted “the superseding decision”, and
 - (iv) for sub-paragraphs (4) to (6) there shall be substituted the following sub-paragraphs—
 - “(4) A superseding decision made in consequence of a payment of income being treated as paid on a particular day under regulation 31(1)(b) or (2) or 39C(3)(7) of the Income Support Regulations shall have effect on the day on which that payment is treated as paid.
 - (5) Where—
 - (a) it is decided upon supersession on the ground of a relevant change of circumstances that the amount of income support is, or is to be, reduced; and
 - (b) the Department certifies that it is impracticable for a superseding decision to have effect from the day prescribed in the preceding sub-paragraphs (other than where sub-paragraph (3)(f) or (4) applies),that superseding decision shall have effect—
 - (i) where the relevant change has occurred, from the first day of the benefit week following that in which the superseding decision is made, or
 - (ii) where the relevant change is expected to occur, from the first day of the benefit week following that in which the change of circumstances is expected to occur.
 - (6) Where—
 - (a) a superseding decision (“the former supersession”) was made on the ground of a relevant change of circumstances in the cases set out in sub-paragraph (3)(b) to (f); and
 - (b) that superseding decision is itself superseded by a subsequent decision because the circumstances which gave rise to the former supersession cease to apply (“the second change”),that subsequent decision shall have effect from the date of the second change.”
- (13) In Schedule 8A(8) (deductions from benefits and direct payment to third parties)—
- (a) in paragraph 6(4) (fuel costs) for “that determination falls to be reviewed” there shall be substituted “a decision which embodies that determination falls to be superseded”; and

(6) Paragraph 7 was substituted by regulation 7(9) of S.R. 1990 No. 398 and amended by regulation 7(10)(b) of S.R. 1992 No. 83, paragraph 3(2) of Schedule 2 to S.R. 1993 No. 149 and regulation 6(3) of S.R. 1998 No. 182

(7) Regulation 39C was inserted by regulation 3(3) of S.R. 1998 No. 182

(8) Schedule 8A was inserted by S.R. 1988 No. 67; relevant amending provisions are S.R. 1993 No. 146 and S.R. 1999 No. 246 (C. 20)

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(b) in paragraph 7A(1)(9) (payments in place of payments of child support maintenance) for “that Order” there shall be substituted “the Child Support (Northern Ireland) Order 1991”.

(14) In Schedule 8B(10) (deductions of mortgage interest from benefit and payment to qualifying lenders), in paragraph 3(1) (specified part of relevant benefit) for “the adjudicating authority in accordance with regulation 34ZA, shall be paid by the Department” there shall be substituted “the Department in accordance with regulation 34ZA, shall be paid”.

(9) Paragraph 7A was inserted by regulation 2(3) of [S.R. 1993 No. 146](#) and sub-paragraph (1) was amended by Article 5 of [S.R. 1999 No. 246 \(C. 20\)](#)

(10) Schedule 8B was inserted by [S.R. 1992 No. 271](#) and paragraph 3(1) was substituted by [S.R. 1995 No. 301](#) and amended by [S.R. 1996 No. 354](#)