STATUTORY RULES OF NORTHERN IRELAND

1999 No. 408

SOCIAL SECURITY

The Social Security and Child Support (Decisions and Appeals) and Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*4th October 1999*
Coming into operation	*18th October 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 21(2) of the Jobseekers (Northern Ireland) Order 1995(**1**) and Articles 10(1), 11(3) and (6) and 74(1) and (3) of the Social Security (Northern Ireland) Order 1998(**2**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security and Child Support (Decisions and Appeals) and Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 18th October 1999.

Amendment of the Jobseeker's Allowance Regulations

2. In regulation 69 of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**3**) (prescribed period for purposes of Article 21(2) of the Order)—

(a) the existing provision shall be re-numbered as paragraph (1) and in that paragraph "shall begin on and include the first day of the week following the date on which a jobseeker's allowance is determined not to be payable to the claimant and" shall be omitted; and

(b) after paragraph (1) there shall be added the following paragraph—

"(2) The prescribed period for the purposes of Article 21(2) shall begin on and include—

(**1**) S.I. 1995/2705 (N.I. 15)
(**2**) S.I. 1998/1506 (N.I. 10)
(**3**) S.R. 1996 No. 198; regulation 69 was amended by regulation 6 of S.R. 1997 No. 541 and modified by regulation 5(3) of S.R. 1998 No. 421

(a) where, in accordance with regulation 26A(1) of the Claims and Payments Regulations(**4**), a jobseeker's allowance is paid otherwise than fortnightly in arrears, the day following the end of the last benefit week in respect of which that allowance was paid; and

(b) in any other case, the first day of the benefit week following the date on which a jobseeker's allowance is determined not to be payable.".

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

3.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**5**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 3 (revision of decisions)—

(a) in paragraph (1) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

"(a) it commences action leading to the revision within one month of the date of—

(i) notification of the original decision, or

(ii) the bringing of an appeal under Article 13 provided that the appeal is brought within the time prescribed in regulation 31 or, in a case to which regulation 32 applies, the time prescribed in that regulation; or"; and

(b) for paragraph (9) there shall be substituted the following paragraph—

"(9) Paragraph (1) shall not apply in respect of—

(a) a relevant change of circumstances which occurred since the decision was made or where the Department has information or evidence which indicates that a relevant change of circumstances will occur; or

(b) a decision which relates to an attendance allowance or a disability living allowance where the person is terminally ill, within the meaning of section 66(2)(a) of the Contributions and Benefits Act, unless an application for revision which contains an express statement that the person is terminally ill is made either by—

(i) the person himself, or

(ii) any other person purporting to act on his behalf whether or not that other person is acting with his knowledge or authority,

but where such an application is received a decision may be so revised notwithstanding that no claim has been made under section 66(1) or, as the case may be, 72(5) or 73(12) of that Act.".

(3) In regulation 6 (supersession of decisions)—

(a) in paragraph (2) for sub-paragraph (f) there shall be substituted the following sub-paragraph—

"(f) is a decision that a jobseeker's allowance is payable to a claimant where that allowance ceases to be payable by virtue of Article 21(1) of the Jobseekers Order; or"; and

(b) in paragraph (6) after sub-paragraph (b) there shall be added—

(**4**) S.R. 1987 No. 465; 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

(**5**) S.R. 1999 No. 162, to which there are amendments not relevant to these regulations