STATUTORY RULES OF NORTHERN IRELAND

1999 No. 272

SOCIAL SECURITY
FAMILY LAW
CHILD SUPPORT
PENSIONS

The Social Security and Child Support (Decisions and Appeals) (Amendment No. 3) Regulations (Northern Ireland) 1999

Made - - - -	*15th June 1999*
Coming into operation	*5th July 1999*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 11A, 20(2), 24A and 74(1), (5) and (6) of the Social Security (Northern Ireland) Order 1998(**1**) and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made by virtue of that Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security and Child Support (Decisions and Appeals) (Amendment No. 3) Regulations (Northern Ireland) 1999 and shall come into operation on 5th July 1999.

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

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

(2) In regulation 1(2) (interpretation) after the definition of "referral" there shall be added the following definition—

> ""the Transfer of Functions Order" means the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999(**3**).".

(**1**) S.I.1998/1506 (N.I. 10); Articles 11A and 24A were inserted respectively by paragraphs 18 and 27 of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(**2**) S.R. 1999 No. 162, to which there are amendments not relevant to these regulations
(**3**) S.I. 1999/671

(3) After regulation 11 (Department to determine certain matters) there shall be inserted the following regulation—

"**Issues for decision by officers of the Inland Revenue**

11A.—(1) Where, on consideration of any claim or other matter, it appears to the Department that an issue arises which, by virtue of Article 7 of the Transfer of Functions Order, falls to be decided by an officer of the Board, it shall refer that issue to the Board.

(2) Where—

(a) the Department has decided any claim or other matter on an assumption of facts—

(i) as to which there appeared to it to be no dispute, but

(ii) concerning which, had an issue arisen, that issue would have fallen, by virtue of Article 7 of the Transfer of Functions Order, to be decided by an officer of the Board;

(b) an application for revision or supersession is made in relation to the decision on that claim or other matter; and

(c) it appears to the Department on consideration of the application that such an issue arises,

it shall refer that issue to the Board.

(3) Pending the final decision on any issue which has been referred to the Board in accordance with paragraph (1) or (2), the Department may—

(a) determine any other issue arising on consideration of the claim or other matter or, as the case may be, on the application;

(b) seek a preliminary opinion of the Board on the issue referred and decide the claim or other matter or, as the case may be, the application in accordance with that opinion on that issue; or

(c) defer making any decision on the claim or other matter or, as the case may be, the application.

(4) On receipt by the Department of the final decision on an issue which has been referred to the Board in accordance with paragraph (1) or (2), it shall—

(a) in a case to which paragraph (3)(b) applies—

(i) consider whether the decision ought to be revised under Article 10 or superseded under Article 11, and

(ii) if so, revise it or, as the case may be, make a further decision which supersedes it; or

(b) in a case to which paragraph (3)(a) or (c) applies, decide the claim or other matter or, as the case may be, the application,

in accordance with the final decision on the issue so referred.

(5) In paragraphs (3) and (4) "final decision" means the decision of an officer of the Board under Article 7 of the Transfer of Functions Order or the determination of any appeal in relation to that decision.".

(4) After regulation 38 (consideration and determination of appeals and referrals) there shall be inserted the following regulation—