STATUTORY RULES OF NORTHERN IRELAND

1996 No. 24

CHILD SUPPORT; FAMILY LAW; SOCIAL SECURITY

The Social Security (Adjudication) and Child Support (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*2nd February 1996*
Coming into operation	*28th February 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 23(2) of the Child Support (Northern Ireland) Order 1991(**1**) and section 57(1) of, and paragraphs 2 and 5 of Schedule 3 to, the Social Security Administration (Northern Ireland) Act 1992(**2**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Adjudication) and Child Support (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 28th February 1996.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Social Security (Adjudication) Regulations

2.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1995(**4**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 3 (manner of making applications, appeals or references; and time limits)—

(a) in paragraph (3) for "for special reasons" there shall be substituted "in the case of an application or reference, for special reasons, and in the case of an appeal, provided the conditions set out in paragraphs (3A) to (3E) are satisfied";

(**1**) S.I.1991/2628 (N.I. 23)
(**2**) 1992 c. 8
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1995 No. 293

(b) after paragraph (3) there shall be inserted the following paragraphs—

"(3A) Where the time specified for the making of an appeal has already expired, an application for an extension of time for making an appeal shall not be granted unless the applicant has satisfied the person considering the application that—

(a) if the application is granted there are reasonable prospects that such an appeal will be successful; and

(b) it is in the interests of justice that the application be granted.

(3B) For the purposes of paragraph (3A) it shall not be considered to be in the interests of justice to grant an application unless the person considering the application is satisfied that—

(a) special reasons exist, which are wholly exceptional and which relate to the history or facts of the case;

(b) such special reasons have existed throughout the period beginning with the day on which the time specified by Schedule 2 for the making of an appeal expires and ending with the day on which the application for an extension of time is made; and

(c) such special reasons manifestly constitute a reasonable excuse of compelling weight for the applicant's failure to make an appeal within the time specified.

(3C) In determining whether there are special reasons for granting an application for an extension of time for making an appeal under paragraph (3) the person considering the application shall have regard to the principle that the greater the amount of time that has elapsed between the expiration of the time specified for the making of the appeal and the making of the application for an extension of time, the more cogent should be the special reasons on which the application is based.

(3D) In determining whether facts constitute special reasons for granting an application for an extension of time for making an appeal under paragraph (3) no account shall be taken of the following—

(a) that the applicant or anyone acting for him or advising him was unaware of or misunderstood the law applicable to his case (including ignorance or misunderstanding of any time limits imposed by Schedule 2);

(b) that a Commissioner (including a Commissioner within the meaning of section 191 of the Social Security Administration Act 1992(**5**)) or a court has taken a different view of the law from that previously understood and applied.

(3E) Notwithstanding paragraph (3), no appeal may in any event be brought later than six years after the beginning of the period specified in column (3) of Schedule 2.";

(c) for paragraph (5) there shall be substituted the following paragraph—

"(5) Any application, appeal or reference under these Regulations shall contain particulars of the grounds on which it is made or given and—

(a) in the case of an appeal, shall include sufficient particulars of the decision under appeal to enable that decision to be identified; and

(b) in the case of an application under paragraph (3) for an extension of time in which to appeal, shall state the grounds on which it is proposed to bring the appeal."; and

(d) after paragraph (7) there shall be added the following paragraphs—

(**5**) 1992 c. 5