1989 No. 397

SOCIAL SECURITY

The Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1989

Made	*6th October 1989*
Coming into operation . .	*9th October 1989*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 108(2) and 114(1) and (2) of the Social Security (Northern Ireland) Act 1975(**a**) and Article 65A(1) of the Social Security (Northern Ireland) Order 1986(**b**) 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) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 9th October 1989.

(2) In these regulations "the principal regulations" means the Social Security (Adjudication) Regulations (Northern Ireland) 1987(**c**).

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

Amendment of regulation 42 of the principal regulations

2. In regulation 42(5) of the principal regulations (reference of diagnosis and recrudescence questions for medical report), for "If during a period taken into account by an assessment of disablement relating to an award of disablement benefit in respect of a prescribed disease" there shall be substituted "Where the assessed extent of a person's disablement in respect of a prescribed disease amounts to one per cent. or more and during the period taken into account by that assessment".

Amendment of regulation 53 of the principal regulations

3. In regulation 53(*c*) of the principal regulations (definition of "medical question") for "the age of 75" there shall be substituted "the age of 80".

(**a**) 1975 c. 15; section 108(2) was substituted by paragraph 1(1) of Schedule 2 to the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17)) and amended by paragraph 5 of Schedule 2 to the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)). Section 114(1) and (2) was extended by Article 53(3) and (6) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(**b**) S.I. 1986/1888 (N.I. 18); Article 65A was inserted by Article 20 of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))

(**c**) S.R. 1987 No. 82; relevant amending regulations are S.R. 1987 No. 466

(**d**) 1954 c. 33 (N.I.)

Amendment of regulation 64 of the principal regulations

4.—(1) Regulation 64(3) of the principal regulations (income support and social fund questions not immediately determinable) shall be amended in accordance with paragraphs (2) to (4).

(2) Sub-paragraph (*e*) shall cease to have effect.

(3) In sub-paragraph (*f*) the word ''suitable'' shall be omitted.

(4) After sub-paragraph (*f*) there shall be added the following sub-paragraph—

''(*g*) whether regulation 10A of the Income Support (General) Regulations (Northern Ireland) 1987(**a**) applies by virtue of paragraph (3) or (4) (circumstances in which a claimant is treated as actively seeking employment) of that regulation.''.

Amendment of regulation 69 of the principal regulations

5.—(1) Regulation 69 of the principal regulations (review in income support cases) shall be amended in accordance with paragraphs (2) and (3).

(2) For paragraph (3) there shall be substituted the following paragraphs—

''(3) Article 65A of the Order(**b**), (which relates to the effect of alterations in the component rates of income support) shall not apply to any award of income support in operation in favour of a person where there is applicable to that person—

(*a*) any amount determined in accordance with regulation 17(2) to (7) of the Income Support (General) Regulations (Northern Ireland) 1987(**c**);

(*b*) any protected sum determined in accordance with Schedule 3A(**d**) or 3B(**e**) to those regulations; or

(*c*) any transitional addition, personal expenses addition or special transitional addition applicable under Part III of the Income Support (Transitional) Regulations (Northern Ireland) 1987(**f**) (transitional protection).

(3A) Where Article 65A of the Order does not apply to an award of income support by virtue of paragraph (3), that award may be reviewed by an adjudication officer, or on a reference by him, by an appeal tribunal for the sole purpose of giving effect to any change made by an order under Article 64 of the Order.''.

(3) In paragraph (4)(*c*) the words ''and paragraph (3) shall not apply in any such case'' shall be omitted.

(**a**) S.R. 1987 No. 459; regulation 10A was inserted by S.R. 1989 No. 365
(**b**) Article 65A was inserted by Article 20 of the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))
(**c**) Regulation 17(2) to (7) was inserted by S.R. 1988 No. 193
(**d**) Schedule 3A was inserted by S.R. 1988 No. 318 and amended by S.R. 1988 No. 431 and S.R. 1989 Nos. 139 and 395
(**e**) Schedule 3B was inserted by S.R. 1989 No. 139 and amended by S.R. 1989 No. 395
(**f**) S.R. 1987 No. 460; relevant amending regulations are S.R. 1988 Nos. 132 and 153 and S.R. 1989 No. 371. *See also* S.R. 1989 No. 18