1984 No. 445

SOCIAL SECURITY

The Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1984

Made . . . . . *31st December 1984*

Coming into operation . . . *28th January 1985*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 6(1) of the Family Income Supplements Act (Northern Ireland) 1971(**a**), sections 114(1) and (2) and 115 of, and Schedule 13 to, the Social Security (Northern Ireland) Act 1975(**b**) and Article 4(1) of the Supplementary Benefits (Northern Ireland) Order 1977(**c**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**d**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 28th January 1985.

(2) In these regulations "the principal regulations" means the Social Security (Adjudication) Regulations (Northern Ireland) 1984(**e**).

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

Amendment of regulation 2 of the principal regulations

2. In regulation 2(2) of the principal regulations—

(*a*) in sub-paragraph (*a*)(ii) after "any person" there shall be inserted "(except a person undergoing training as an adjudication officer)";

(*b*) in sub-paragraph (*b*) after "any person" there shall be inserted "(except a person undergoing training as an adjudication officer or as an adjudicating medical practitioner)".

Amendment of regulation 7 of the principal regulations

3. In regulation 7(2) of the principal regulations for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs—

"(*a*) before the hearing begins, with the consent in writing of—

(**a**) 1971 c. 8 (N.I.); section 6(1) was substituted by paragraph 14 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983 (S.I. 1983/1524 (N.I. 17))

(**b**) 1975 c. 15

(**c**) S.I. 1977/2156 (N.I. 27); Article 4(1) was substituted by paragraph 11 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983

(**d**) 1980 c. 30

(**e**) S.R. 1984 No. 144

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

(5) For the purposes of this regulation the receipt of any notice, observations or directions at an office of the Department shall be treated as receipt by the Department or an adjudication officer as the case may be and where any notice, observations or directions are addressed to any other party and delivered (by post or otherwise) to his ordinary or last known address they shall be treated as being received by him at the date of such delivery.''.

Amendment of regulation 32(2) and (4) of the principal regulations (modification of regulations 27 and 30 of the principal regulations)

8.—(1) In regulation 27 of the principal regulations, as modified by regulation 32(2) of those regulations, in paragraph (3) after ''practicable'' there shall be inserted ''to the clerk, or person acting as clerk, to the medical appeal tribunal from which the application was brought'';

(2) For regulation 30 of the principal regulations, as modified by regulation 32(4) of those regulations, there shall be substituted the following regulation—

''Time limits for making written observations

30.—(1) Unless otherwise directed by the chairman of the medical appeal tribunal and subject also to regulation 91(7), a party to an application for leave to appeal to a chairman of a medical appeal tribunal may submit written observations on the application within 4 weeks beginning with the day on which notice of the application was received by him.

(2) Unless otherwise directed by a chairman of a medical appeal tribunal and subject also to regulation 91(7), a party to an application for leave to appeal may submit written observations on the written observations submitted by another party within 6 weeks beginning with the day on which the document to which the observations are directed was received by him.

(3) Without prejudice to the provisions of paragraphs (1) and (2), the chairman of a medical appeal tribunal may direct any party to any proceedings before him to make such written observations or further written observations as may seem to him necessary to enable the question at issue to be determined and may specify the time within which they are required to be made.

(4) Any time limit imposed by or under this regulation may be extended by the chairman of the medical appeal tribunal for special reasons.

(5) For the purposes of this regulation, the receipt of any notice, observations or directions at an office of the Department shall be treated as receipt by the Department or an adjudication officer as the case may be and where any notice, observations or directions are addressed to any other party and delivered (by post or otherwise) to his ordinary or last known address they shall be treated as being received by him at the date of such delivery.''.

Amendment of regulation 59 of the principal regulations

9. In regulation 59(3) of the principal regulations after ''them'' where it first occurs there shall be inserted '', except that on such review any medical question arising in connection with a person's entitlement to an allowance shall be determined as at the date when the application for review is made''.

Amendment of Schedule 4 to the principal regulations

10. In paragraph 1 of columns (3) and (4) of Schedule 4 to the principal regulations for ''None'' there shall be substituted ''Sections 101 and 104 apply subject to the modifications made by this Schedule and regulations 66 and 70 apply instead of sections 99, 100 and 103.''.