1984 No. 174

SOCIAL SECURITY

The Social Security (Adjudication) (Consequential Amendments) Regulations (Northern Ireland) 1984

Made	*30th May 1984*
Coming into operation . . .	*4th June 1984*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 10(2) of the Family Income Supplements Act (Northern Ireland) 1971(**a**), sections 37A(1), 76(4), 77(2), 89, 113(1), 114(1) and (2), 119(3) and 146(*f*) of, and paragraph 2 of Schedule 8 to, the Social Security (Northern Ireland) Act 1975(**b**), Articles 10(1) and 15(1) of the Child Benefit (Northern Ireland) Order 1975(**c**), Article 24(4) of the Social Security Pensions (Northern Ireland) Order 1975(**d**), Articles 13(2), 14(2) and (5) and 19 of, and paragraphs 1(2) and 2(1) of Schedule 1 to, the Supplementary Benefits (Northern Ireland) Order 1977(**e**) and Article 9(1) of the Social Security (Northern Ireland) Order 1980(**f**) and acting jointly with the Department of Economic Development for Northern Ireland(**g**) , in exercise of the powers conferred on them by Article 72(1) and (2) of the Industrial Relations (Northern Ireland) Order 1976(**h**) as regards regulation 9, hereby make the following regulations which only contain provisions made in consequence of the Social Security Adjudications (Northern Ireland) Order 1983(**i**) and before the expiry of the period of six months beginning with the commencement of Article 5(3) of that Order and which accordingly are not subject to the requirement of section 10 of the Social Security Act 1980(**j**) 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) (Consequential Amendments) Regulations (Northern Ireland) 1984 and shall come into operation on 4th June 1984.

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

Amendment of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975

2. In regulation 1(2) of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(**l**) for the definition of "the determining authority" there shall be substituted—

(**a**) 1971 c. 8 (N.I.)
(**b**) 1975 c. 15; section 37A was inserted by Article 24 of the Social Security Pensions (Northern Ireland) Order 1975
(**c**) S.I. 1975/1504 (N.I. 16)
(**d**) S.I. 1975/1503 (N.I. 15)
(**e**) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 are set out in Part II of that Schedule
(**f**) S.I. 1980/870 (N.I. 8)
(**g**) Formerly the Department of Manpower Services: *see* S.I. 1982/846 (N.I. 11), Article 3
(**h**) S.I. 1976/1043 (N.I. 16)
(**i**) S.I. 1983/1524 (N.I. 17)
(**j**) 1980 c. 30
(**k**) 1954 c. 33 (N.I.)
(**l**) S.R. 1975 No. 19; to which there are amendments not relevant to these regulations

" "the determining authority" means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B)(**a**) of the Social Security (Northern Ireland) Act 1975, any other adjudication officer appointed under section 97(1) of that Act, a social security appeal tribunal constituted under section 97(2) to (2E) of that Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of that Act or a Tribunal of 2 or 3 such Commissioners constituted under section 116 of that Act;".

Amendment of the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975

3. In regulation 1(2) of the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975(**b**) for the definition of "determining authority" there shall be substituted—

" "determining authority" means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Act, any other adjudication officer appointed under section 97(1) of the Act, a social security appeal tribunal constituted under section 97(2) to (2E) of the Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of the Act or a Tribunal of 2 or 3 such Commissioners constituted under section 116 of the Act;".

Amendment of the Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975

4. In regulation 1(2) of the Social Security (Maternity Benefit) Regulations (Northern Ireland) 1975(**c**) for the definition of "determining authority" there shall be substituted—

" "determining authority" means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B), any other adjudication officer appointed under section 97(1), a social security appeal tribunal constituted under section 97(2) to (2E), the Chief or any other Social Security Commissioner appointed under section 97(3) or a Tribunal of 2 or 3 such Commissioners constituted under section 116;".

Amendment of the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975

5. The Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975(**d**) shall be amended as follows—

(**a**) in regulation 1(2)—

(i) after the definition of "the Act" there shall be inserted—

" "Adjudication Regulations" means the Social Security (Adjudication) Regulations (Northern Ireland) 1984(**e**);";

(ii) for the definition of "medical authority" there shall be substituted—

" "medical authority" means a medical appeal tribunal, a medical board or any medical practitioner appointed or nominated for the purposes of these regulations by the Department;";

(iii) after the definition of "medical authority" there shall be inserted—

(**a**) *See* Article 3 and paragraph 1 of Schedule 1 to the Social Security Adjudications (Northern Ireland) Order 1983

(**b**) S.R. 1975 No. 98; to which there are amendments not relevant to these regulations

(**c**) S.R. 1975 No. 107; to which there are amendments not relevant to these regulations

(**d**) S.R. 1975 No. 280; to which there are amendments not relevant to these regulations

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

" "medical board" has the meaning assigned to it by regulation 33 of the Adjudication Regulations;";

(*b*) in regulation 7(1)(*a*) for "regulation 13(1)" there shall be substituted "regulation 53(1) of the Adjudication Regulations";

(*c*) in regulation 21(2) for "regulation 18(2)" there shall be substituted "regulation 58(2) of the Adjudication Regulations".

Amendment of the Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1976

6. In regulation 1(2) of the Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1976(**a**) for the definition of "determining authority" there shall be substituted—

" "determining authority" means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Social Security Act, any other adjudication officer appointed under section 97(1) of that Act, a social security appeal tribunal constituted under section 97(2) to (2E) of that Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of that Act or a Tribunal of 2 or 3 such Commissioners constituted under section 116 of that Act;".

Amendment of the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976

7. Regulation 8 of the Child Benefit (Residence and Persons Abroad) Regulations (Northern Ireland) 1976(**b**) shall be amended as follows—

(*a*) in paragraph (2)(*a*) for "regulation 20 of the Child Benefit (Determination of Claims and Questions) Regulations (Northern Ireland) 1976" there shall be substituted "regulation 79 of the Social Security (Adjudication) Regulations (Northern Ireland) 1984";

(*b*) for paragraph (3) there shall be substituted—

"(3) In paragraph (2) "determining authority" means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Social Security Act, any other adjudication officer appointed under section 97(1) of that Act, a social security appeal tribunal constituted under section 97(2) to (2E) of that Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of that Act or a Tribunal of 2 or 3 such Commissioners constituted under section 116 of that Act.".

Amendment of the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977

8. In regulation 1(2) of the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(**c**) for the definition of "the determining authority" there shall be substituted—

" "the determining authority" means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B), any other adjudication officer appointed under section 97(1), a social security appeal tribunal constituted under section 97(2) to (2E), the Chief or any other Social Security Commissioner appointed under section 97(3) or a Tribunal of 2 or 3 such Commissioners constituted under section 116;".

(**a**) S.R. 1976 No. 224; to which there are amendments not relevant to these regulations
(**b**) S.R. 1976 No. 227; to which there are amendments not relevant to these regulations
(**c**) S.R. 1977 No. 74; to which there are amendments not relevant to these regulations

Amendment of the Industrial Relations (Recoupment of Unemployment Benefit and Supplementary Benefit) Regulations (Northern Ireland) 1977

9. In regulation 12(2) of the Industrial Relations (Recoupment of Unemployment Benefit and Supplementary Benefit) Regulations (Northern Ireland) 1977(**a**) for "Article 20(1) of the Supplementary Benefits (Northern Ireland) Order 1977" there shall be substituted "regulation 70 of the Social Security (Adjudication) Regulations (Northern Ireland) 1984" and for "the said Article 20(1)" there shall be substituted "the said regulation 70".

Amendment of the Social Security (Mobility Allowance) (Vehicle Scheme Beneficiaries) Regulations (Northern Ireland) 1977

10. Regulation 6 of the Social Security (Mobility Allowance) (Vehicle Scheme Beneficiaries) Regulations (Northern Ireland) 1977(**b**) shall be amended as follows—

(*a*) for the heading there shall be substituted—

"*Application of the principal Act, the principal regulations and the Social Security (Adjudication) Regulations (Northern Ireland) 1984 in relation to vehicle scheme beneficiaries*";

(*b*) for paragraph (*b*) there shall be substituted—

"(*b*) the principal regulations shall have effect as though regulation 2(1)(*c*) and (*d*) were omitted; and

(*c*) the Social Security (Adjudication) Regulations (Northern Ireland) 1984 shall have effect as if—

(i) in regulation 54 after paragraph (1)(*b*) there were inserted—

"or

(*c*) the issue of a certificate under the Social Security (Mobility Allowance) (Vehicle Scheme Beneficiaries) Regulations (Northern Ireland) 1977."; and

(ii) in regulation 59 after paragraph (3) there were added—

"(4) Where the grounds of an application under paragraph (2) are that a certificate issued for the purposes of Article 10 of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 has been cancelled, the adjudication officer may himself determine any medical question arising on review adversely to the person in question without referring it to a medical board and the provisions of regulations 55(3) and 56 to 58 shall apply to such determination as though it were a determination under regulation 55(2)(*b*).".

Amendment of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977

11. The Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(**c**) shall be amended as follows—

(*a*) in regulation 2(1) for the definition of "determining authority" there shall be substituted—

" "determining authority" means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B), any other adjudication officer appointed under section 97(1), a social security appeal tribunal constituted under section 97(2) to (2E), the Chief or any

(**a**) S.R. 1977 No. 123; the relevant amending regulations are S.R. 1980 No. 426
(**b**) S.R. 1977 No. 242; the relevant amending provisions are Article 16 of, and paragraph 30 of Schedule 3 to, the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))
(**c**) S.R. 1977 No. 351; to which there are amendments not relevant to these regulations

other Social Security Commissioner appointed under section 97(3) or a Tribunal of 2 or 3 such Commissioners constituted under section 116;'';

(*b*) for paragraph (4) of regulation 26 there shall be substituted—

''(4) In this regulation ''medical authority'' means a medical appeal tribunal, an adjudicating medical authority as defined by regulation 33 of the Social Security (Adjudication) Regulations (Northern Ireland) 1984 or any medical practitioner appointed or nominated by the Department.''.

Amendment of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978

12. In regulation 1(2) of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1978(**a**) for the definition of ''the determining authority'' there shall be substituted—

'' ''the determining authority'' means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Act, any other adjudication officer appointed under section 97(1) of the Act, a social security appeal tribunal constituted under section 97(2) to (2E) of the Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of the Act or a Tribunal of 2 or 3 such Commissioners constituted under section 116 of the Act;''.

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1979

13. In regulation 1(2) of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1979(**b**) for the definition of ''determining authority'' there shall be substituted—

'' ''determining authority'' means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B), any other adjudication officer appointed under section 97(1), a social security appeal tribunal constituted under section 97(2) to (2E), the Chief or any other Social Security Commissioner appointed under section 97(3) or a Tribunal of 2 or 3 such Commissioners constituted under section 116;''.

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979

14. In regulation 1(2) of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**c**) for the definition of ''the determining authority'' there shall be substituted—

'' ''the determining authority'' means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Act, any other adjudication officer appointed under section 97(1) of the Act, a social security appeal tribunal constituted under section 97(2) to (2E) of the Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of the Act or a Tribunal of 2 or 3 such Commissioners constituted under section 116 of the Act;''.

Amendment of the Supplementary Benefit (Transitional) Regulations (Northern Ireland) 1980

15. The Supplementary Benefit (Transitional) Regulations (Northern Ireland) 1980(**d**) shall be amended as follows—

(**a**) S.R. 1978 No. 371; to which there are amendments not relevant to these regulations
(**b**) S.R. 1979 No. 211; the relevant amending regulations are S.R. 1982 No. 42 and S.R. 1983 No. 76
(**c**) S.R. 1979 No. 243
(**d**) S.R. 1980 No. 349; to which there are amendments not relevant to these regulations