1980 No. 329

SOCIAL SECURITY

The Social Security Commissioners (Appeals to the Courts) Regulations (Northern Ireland) 1980

Made . . . . . *30th September 1980*

Coming into operation . . . *24th November 1980*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 14(2), (3) and (6) of the Social Security Act 1980(a) 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 Commissioners (Appeals to the Courts) Regulations (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security Act 1980;

"the Chief Commissioner" means the Chief Social Security Commissioner for Northern Ireland;

"the Department" means the Department of Health and Social Services for Northern Ireland;

and other expressions have the same meanings as in the Social Security (Northern Ireland) Act 1975(b).

(3) Any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

Selection of Commissioner

2.—(1) In a case where the Chief Commissioner considers that it is impracticable, or would be likely to cause undue delay, for an application for leave to appeal against a decision of a Commissioner to be determined by that Commissioner, that application shall be determined—

(*a*) where the decision was a decision of an individual Commissioner, by the Chief Commissioner or a Commissioner selected by the Chief Commissioner; and

(*b*) where the decision was a decision of a Tribunal of Commissioners, by a differently constituted Tribunal of Commissioners selected by the Chief Commissioner.

(2) If the Chief Commissioner is unable to act, paragraph (1) shall have effect as if the expression "the Chief Commissioner" referred to such other of the Commissioners as he may have nominated to act for the purpose.

(a) 1980 c. 30; as given effect in relation to Northern Ireland by section 21(6) of that Act
(b) 1975 c. 15

Persons unable to act

3.—(1) Where in the case of any person—

(*a*) benefit is payable to him or he is alleged to be entitled to it, or a claim for benefit has been made by him or on his behalf;

(*b*) he is a child or is unable for the time being to act; and

(*c*) no committee has been appointed by the Office of Care and Protection with power to claim, or as the case may be, receive benefit on his behalf,

the Department may, upon written application made to it by a person who, if a natural person, is over the age of 18, appoint that person to apply, on behalf of the child or the person who is unable to act, for leave to appeal against a Commissioner's decision.

(2) Where the Department has made an appointment under paragraph (1)—

(*a*) it may at any time in its absolute discretion revoke any such appointment;

(*b*) the person appointed may resign his office after having given one month's notice in writing to the Department of his intention to do so; and

(*c*) any such appointment shall terminate when the Department is notified that a committee to which paragraph (1)(*c*) above applies has been appointed.

(3) In this regulation, "benefit" means benefit under the Family Income Supplements Act (Northern Ireland) 1971(**c**), the Social Security (Northern Ireland) Acts 1975 to 1980, the Child Benefit (Northern Ireland) Order 1975(**d**), the Supplementary Benefits (Northern Ireland) Order 1977(**e**), the Family Income Supplements Act 1970(**f**), the Social Security Acts 1975 to 1980, Part I of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(**g**), the Child Benefit Act 1975(**h**) or the Supplementary Benefits Act 1976(**i**).

Time and manner of applications for leave to appeal

4.—(1) An application to a Commissioner for leave to appeal against a Commissioner's decision, by a person entitled to make such an application, shall be made in writing within 3 months beginning with the date on which the Commissioner has given to that person notice in writing of the decision (a notice sent by post being deemed to have been given on the day on which it was posted), or such further period as the Commissioner may for special reasons allow (notwithstanding that the period of 3 months has already expired); and every such application shall include a statement of the question of law in respect of which it is alleged that the Commissioner's decision is erroneous and on which it is desired to appeal.

(2) An application shall be delivered or sent to the Commissioners' office in Belfast.

Provisions for the hearing and determination of applications for leave to appeal

5.—(1) If the Commissioner to whom an application for leave to appeal has been made is satisfied that a hearing is desirable, he may direct that a hearing be held, and reasonable notice of the time and place of the hearing shall be given to every person who applied or was entitled to apply for leave to appeal.

(2) Every such hearing shall be in public except in so far as the Commissioner may otherwise direct if he is of the opinion that intimate personal or financial circumstances may have to be disclosed or that considerations of public security are involved.

(**c**) 1971 c. 8 (N.I.)
(**d**) S.I. 1975/1504 (N.I. 16)
(**e**) S.I. 1977/2156 (N.I. 27)
(**f**) 1970 c. 55
(**g**) 1975 c. 18
(**h**) 1975 c. 61
(**i**) 1976 c. 71