1979 No. 354

SOCIAL SECURITY

The Social Security (Determination of Claims and Questions) (Amendment) Regulations (Northern Ireland) 1979

Coming into operation . . . 5th November 1979

Made . . . . . 4th October 1979

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 119(3) and (4) of the Social Security (Northern Ireland) Act 1975(**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 (Determination of Claims and Questions) (Amendment) Regulations (Northern Ireland) 1979 and shall come into operation on 5th November 1979.

(2) In these regulations "the principal regulations" means the Social Security (Determination of Claims and Questions) Regulations (Northern Ireland) 1975(**b**).

Substitution of regulation 32 *of the principal regulations*

2. For the text of regulation 32 of the principal regulations there shall be substituted the following:—

"**32.**—(1) Subject to paragraph (3), this regulation has effect where—

(*a*) in pursuance of a decision under the Act, benefit has been paid for any period and—

(i) the effect of a decision given on appeal against, or review of, that decision is such that had it been given in the first instance the whole or part of that benefit would not have been paid, or

(ii) in a case where the first mentioned decision cannot be reviewed, the facts established for the purpose of a subsequent decision of an insurance officer, local tribunal or a Commissioner, other than a decision given on appeal against the earlier decision, are such that had they been known when the earlier decision was given the whole or part of that benefit would not have been paid,

and

(*b*) the Supplementary Benefits Commission certify that an additional amount of supplementary pension or allowance would have been paid to a person (whether or not the claimant) in receipt of such pension or allowance, but for the fact that that benefit, or such part of it as would not have been paid in the circumstances envisaged in paragraph (*a*)(i) or (ii), was taken into account as a resource in calculating his entitlement to such pension or allowance.

(**a**) 1975 c. 15; section 119 was amended by Article 9 of, and paragraph 8 of Schedule 3 to, the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I.5))

(**b**) S.R. 1975 No. 100 (I, p. 597) to which there are amendments not relevant to these regulations