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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 225**

**The Social Security Commissioners (Procedure)  
Regulations (Northern Ireland) 1999**

**PART I**

**GENERAL PROVISIONS**

**Citation and commencement**

1. These Regulations may be cited as the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 and shall come into operation on 7th June 1999.

**Revocation**

2. The following Regulations are revoked—

- (a) the Social Security Commissioners Procedure Regulations (Northern Ireland) 1987(1);
- (b) the Social Security Commissioners Procedure (Amendment) Regulations (Northern Ireland) 1992(2); and
- (c) the Social Security Commissioners Procedure (Amendment) Regulations (Northern Ireland) 1997(3).

**Transitional provisions**

3.—(1) Subject to paragraphs (2) and (3), these Regulations shall apply to all proceedings before the Commissioners on or after 7th June 1999.

(2) In relation to any appeal or application for leave to appeal from any social security, disability or medical appeal tribunal constituted under Part II of the Administration Act(4) these Regulations shall have effect with the modifications that—

- (a) “appeal tribunal” includes a reference to any such tribunal;
- (b) “chairman” includes a reference to a person authorised to deal with applications for leave to appeal under the Social Security (Adjudication) Regulations (Northern Ireland) 1995(5);
- (c) “Department” includes a reference to an adjudication officer;
- (d) “Article 15(7) of the Order” includes a reference to sections 21(6A) and 46(4A) of the Administration Act(4) as modified by paragraph 4 of Schedule 5 to the Order;

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(1) S.R. 1987 No. 112  
(2) S.R. 1992 No. 312  
(3) S.R. 1997 No. 427  
(4) 1992 c. 8  
(5) 1995 No. 293  
(4) 1992 c. 8

- (e) “42 days” shall be substituted for “one month” in regulations 9(2) and 13(1); and
- (f) under regulation 9 a Commissioner may for special reasons accept an application for leave to appeal even though the applicant has not sought to obtain leave to appeal from the Chairman.

(3) Any transitional question arising under any application, appeal or reference in consequence of the coming into operation of these Regulations shall be determined by a Commissioner who may for this purpose give such directions as he may think just, including modifying the normal requirements of these Regulations in relation to the application, appeal or reference.

## Interpretation

4. In these Regulations, unless the context otherwise requires—

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992<sup>(6)</sup>;

“the Order” means the Social Security (Northern Ireland) Order 1998<sup>(7)</sup>;

“appeal tribunal” means an appeal tribunal constituted under Chapter I of Part II of the Order;

“authorised officer” means an officer authorised by the Lord Chancellor in accordance with Article 15(13) of the Order;

“the chairman” for the purposes of regulations 9 and 10 means—

- (i) the person who was the chairman or sole member of the appeal tribunal which gave the decision against which leave to appeal is being sought; or
- (ii) any other person authorised to deal with applications for leave to appeal to a Commissioner against that decision under Article 15 of the Order;

“Commissioner” means the Chief Social Security Commissioner or any other Social Security Commissioner and includes a tribunal of two or more Commissioners constituted under Article 16(7) of the Order;

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

“forfeiture rule question” means any question referred to in Article 6(1) or 6(1A) to 6(1H) of the Forfeiture (Northern Ireland) Order 1982<sup>(8)</sup>;

“legally qualified” means being a solicitor or barrister;

“month” means a calendar month;

“office” means the Office of the Social Security Commissioners;

“party” means a party to the proceedings;

“proceedings” means any proceedings before a Commissioner, whether by way of an application for leave to appeal to, or from, a Commissioner by way of an appeal or reference, or otherwise; and

“respondent” means any person or organisation other than the applicant, appellant or person making the reference, who is one of the principal parties as defined in Article 14 of the Order or is otherwise taking part in the proceedings in accordance with Article 15 of the Order or regulation 24(6).

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<sup>(6)</sup> 1992 c. 8

<sup>(7)</sup> S.I.1998/1506 (N.I. 10)

<sup>(8)</sup> S.I. 1982/1082 (N.I. 14) paragraphs (1A) to (1H) were inserted by Article 77(1) of the Social Security (Northern Ireland) Order 1986 [S.I. 1986/1888 (N.I. 18)]

### **General powers of a Commissioner**

5.—(1) Subject to the provisions of these Regulations, a Commissioner may adopt any procedure in relation to proceedings before him.

(2) A Commissioner may—

(a) extend or abridge any time limit under these Regulations (including, subject to regulations 9(3) and 13(2), granting an extension where the time limit has expired);

(b) expedite, postpone or adjourn any proceedings.

(3) Subject to paragraph (4), a Commissioner may, on or without the application of a party, strike out any proceedings for want of prosecution or abuse of process.

(4) Before making an order under paragraph (3), the Commissioner shall send notice to the party against whom it is proposed that it should be made giving him an opportunity to make representations why it should not be made.

(5) A Commissioner may, on application by the party concerned, give leave to reinstate any proceedings which have been struck out in accordance with paragraph (3) and, on giving leave, he may give directions as to the conduct of the proceedings.

(6) Nothing in these Regulations shall affect any power which is exercisable apart from these Regulations.

### **Transfer of proceedings between Commissioners**

6. If it becomes impractical or inexpedient for a Commissioner to continue to deal with proceedings which are or have been before him, any other Commissioner may rehear or deal with those proceedings and any related matters.

### **Delegation of functions to authorised officers**

7.—(1) The following functions of Commissioners may be exercised by legally qualified authorised officers, to be known as legal officers to the Commissioners—

(a) giving directions under regulations 8 and 20;

(b) determining requests for or directing hearings under regulation 23;

(c) summoning witnesses, and setting aside a summons made by a legal officer, under regulation 25;

(d) postponing a hearing under regulation 5;

(e) giving leave to withdraw or reinstate applications, appeals or references under regulation 26;

(f) waiving irregularities under regulation 27 in connection with any matter being dealt with by a legal officer;

(g) extending or abridging time, directing expedition, giving notices, striking out and reinstating proceedings under regulation 5.

(2) Any party may, within 14 days of being sent notice of the direction or order of a legal officer, make a written request to a Commissioner asking him to reconsider the matter and confirm or replace the direction or order with his own, but, unless ordered by a Commissioner, a request shall not stop proceedings under the direction or order.

### **Manner of and time for service of notices, etc**

8.—(1) A notice to or other document for any party shall be deemed duly served if it is—

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- (a) delivered to him personally; or
  - (b) properly addressed and sent to him by pre-paid post at the address last notified by him for this purpose, or to his ordinary address; or
  - (c) served in any other manner a Commissioner may direct.
- (2) A notice to or other document for a Commissioner shall be delivered or sent to the office.
- (3) For the purposes of any time limit, a properly addressed notice or other document sent by pre-paid post, fax or e-mail is effective from the date it is sent.