



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART II

ADJUDICATION

References to medical practitioners, the Disability Living Allowance Advisory Board etc.

[^{F1}51 Power of adjudicating authorities to refer matters to experts.

- (1) An authority to which this section applies may refer any question of special difficulty arising for decision by the authority to one or more experts for examination and report.
- (2) The authorities to which this section applies are—
 - (a) an adjudication officer;
 - (b) an adjudicating medical practitioner, or two or more such practitioners acting together;
 - (c) a specially qualified adjudicating medical practitioner appointed by virtue of section 60 below, or two or more such practitioners acting together;
 - (d) a social security appeal tribunal;
 - (e) a disability appeal tribunal;
 - (f) a medical appeal tribunal;
 - (g) a Commissioner;
 - (h) the Department.
- (3) Regulations may prescribe cases in which a Commissioner shall not exercise the power conferred by subsection (1) above.
- (4) In this section “expert” means a person appearing to the authority to have knowledge or experience which would be relevant in determining the question of special difficulty.]

Status: Point in time view as at 01/07/2007.

Changes to legislation: *Social Security Administration (Northern Ireland) Act 1992, Cross Heading: References to medical practitioners, the Disability Living Allowance Advisory Board etc. is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

- F1** S. 51 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2), 39(3)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- S. 51 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

[^{F2}52] **Claims relating to attendance allowance, disability living allowance and disability working allowance.**

- (1) Before a claim for an attendance allowance, a disability living allowance or a disability working allowance or any question relating to such an allowance is submitted to an adjudication officer under section 18 above the Department may refer the person in respect of whom the claim is made or the question is raised to a medical practitioner for such examination and report as appears to the Department to be necessary—
 - (a) for the purpose of providing the adjudication officer with information for use in determining the claim or question; or
 - (b) for the purpose of general monitoring of claims for attendance allowances, disability living allowances and disability working allowances.
- (2) An adjudication officer may refer—
 - (a) a person in respect of whom such a claim is made or such a question is raised;
 - (b) a person [^{F3}in respect of whom an application for a review under section 28 or 33 above has been made or is treated as having been made,]
 to a medical practitioner for such examination and report as appears to the adjudication officer to be needed to enable him to reach a decision on the claim or question or the matter under review.
- (3) The Department may direct adjudication officers to refer for advice to a medical practitioner who is an officer of the Department any case falling within a specified class of cases relating to attendance allowance or disability living allowance, and an adjudication officer may refer for advice any case relating to attendance allowance or disability living allowance to such a medical practitioner without such a direction.
- (4) An adjudication officer may refer for advice any case relating to disability working allowance to such a medical practitioner.
- (5) A medical practitioner who is an officer of the Department and to whom a case or question relating to an attendance allowance or a disability living allowance is referred under section 51 above or subsection (3) above may refer the case or question to the Disability Living Allowance Advisory Board for advice.
- (6) Such a medical practitioner may obtain information about such a case or question from another medical practitioner.
- (7) A medical practitioner who is an officer of the Department and to whom a question relating to disability working allowance is referred under section 51 above may obtain information about it from another medical practitioner.

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[Any reference in subsections (3) to (7) above to a medical practitioner who is an officer^{F4}(7A) of the Department includes a reference to a medical practitioner who is provided by any person in pursuance of a contract entered into with the Department.]

(8) Where—

- (a) the Department has exercised the power conferred on it by subsection (1) above or an adjudication officer has exercised the power conferred on him by subsection (2) above; and
- (b) the medical practitioner requests the person referred to him to attend for or submit himself to medical examination; but
- (c) he fails without good cause to do so,

the adjudication officer shall decide the claim or question or matter under review against him.]

Textual Amendments

- F2** S. 52 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2), 39(3)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- S. 52 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), **arts. 1(2), 78(2), Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- F3** Words in s. 52(2)(b) substituted (1.7.1997) by S.I. 1997/1182 (N.I. 11), art. 19(1), **Sch. 1 para. 1**; S.R. 1997/316, art. 2, **Sch.**
- F4** S. 52(7A) inserted (3.1.1995) by 1994 c. 40, ss. 76, 82(2), **Sch. 16**, para. 24(1)

[^{F5}53 Medical examination etc. in relation to appeals to disability appeal tribunals.

- (1) Where an appeal has been brought under section 31 above, a person who may be nominated as chairman of a disability appeal tribunal may, if prescribed conditions are satisfied, refer the claimant to a medical practitioner for such examination and report as appears to him to be necessary for the purpose of providing a disability appeal tribunal with information for use in determining the appeal.
- (2) At a hearing before a disability appeal tribunal, except in prescribed circumstances, the tribunal —
 - (a) may not carry out a physical examination of the claimant; and
 - (b) may not require the claimant to undergo any physical test for the purpose of determining whether he satisfies the condition mentioned in section 73(1)(a) of the Contributions and Benefits Act.]

Textual Amendments

- F5** S. 53 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), **arts. 1(2), 39(3)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

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S. 53 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

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