



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART II

#### ADJUDICATION

##### *Appeals from adjudication officers - general*

#### **22 Appeal from Commissioners on point of law.**

- (1) Subject to subsections (2) and (3) below, an appeal on a question of law shall lie to the appropriate court from any decision of a Commissioner.
- (2) No appeal under this section shall lie from a decision except—
  - (a) with the leave of the Commissioner who gave the decision or, in a prescribed case, with the leave of a Commissioner selected in accordance with regulations; or
  - (b) if he refuses leave, with the leave of the appropriate court.
- (3) An application for leave under this section in respect of a Commissioner's decision may only be made by—
  - (a) a person who, before the proceedings before the Commissioner were begun, was entitled to appeal to the Commissioner from the decision to which the Commissioner's decision relates;
  - (b) any other person who was a party to the proceedings in which the first decision mentioned in paragraph (a) above was given;
  - <sup>[F1]</sup>(c) the Department, in a case where it is not entitled to apply for leave by virtue of paragraph (a) or (b) above;]
  - (d) any other person who is authorised by regulations to apply for leave;

*Status: Point in time view as at 05/07/1999.*

**Changes to legislation:** Social Security Administration (Northern Ireland) Act 1992, Section 22 is up to date with all changes known to be in force on or before 05 August 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)

and regulations may make provision with respect to the manner in which and the time within which applications must be made to a Commissioner for leave under this section and with respect to the procedure for dealing with such applications.

- (4) On an application to a Commissioner for leave under this section it shall be the duty of the Commissioner to specify as the appropriate court—
- (a) the Court of Appeal in Northern Ireland if it appears to him that the relevant place is in Northern Ireland;
  - (b) the Court of Appeal if it appears to him that the relevant place is in England or Wales; and
  - (c) the Court of Session if it appears to him that the relevant place is in Scotland, except that if it appears to him, having regard to the circumstances of the case and in particular to the convenience of the persons who may be parties to the proposed appeal, that he should specify a different court mentioned in paragraphs (a) to (c) above as the appropriate court, it shall be his duty to specify that court as the appropriate court.
- (5) In this section—
- “the appropriate court”, except in subsection (4) above, means the court specified in pursuance of that subsection;
- [<sup>F2</sup>“the relevant place”, in relation to an application for leave to appeal from a decision of a Commissioner, means the premises where the person or authority whose decision was the subject of the Commissioner’s decision usually exercises his or its functions.]
- (6) The powers to make regulations conferred by this section shall be exercisable by the Lord Chancellor.

#### Textual Amendments

- F1** S. 22(3)(c) 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), 78(2), **Sch. 6 para. 61(1)**; 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. 22(3)(c) 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** Definition in s. 22(5) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 61(b)**; 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)

#### Modifications etc. (not altering text)

- C1** S. 22 modified (10.3.1999 for certain purposes, otherwise 1.6.1999) by S.I. 1991/2628 (N.I. 23), **art. 43A** as inserted by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 29**; S.R. 1999/102, art. 2(a), **Sch. Pt. I**; S.R. 1999/246, art. 2, **Sch. 1**

**Status:**

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