



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART II **U.K.**

#### ADJUDICATION

##### *Restrictions on entitlement to benefit following erroneous decision*

#### [<sup>F1</sup>67] **Determination of questions on review following erroneous decisions. **N.I.****

- (1) Subsection (2) below applies in any case where—
- (a) on the determination, whenever made, of a Commissioner or the court (the “relevant determination”), a decision made by an adjudicating authority is or was found to have been erroneous in point of law; and
  - (b) in consequence of that determination, any other decision—
    - (i) which was made before the date of that determination; and
    - (ii) which is referable to a claim made or treated as made by any person for any benefit,falls (or would, apart from subsection (2) below, fall) to be revised on a review carried out under section 23(5) above after 14th August 1990 (the date of the coming into force of section 104(7) to (10) of the 1975 Act, the provision of that Act corresponding to this section) or on a review under section 28 above on the ground that the decision under review was erroneous in point of law.
- (2) Where this subsection applies, any question arising on the review referred to in subsection (1)(b) above, or on any subsequent review of a decision which is referable to the same claim, as to any person’s entitlement to, or right to payment of, any benefit—
- (a) in respect of any period before the date of the relevant determination; or
  - (b) in the case of a widow’s payment, in respect of a death occurring before that date,

*Status: Point in time view as at 14/12/2009.*

**Changes to legislation:** *Social Security Administration (Northern Ireland) Act 1992, Section 67 is up to date with all changes known to be in force on or before 14 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)*

shall be determined as if the decision referred to in subsection (1)(a) above had been found by the Commissioner or court in question not to have been erroneous in point of law.

- (3) In determining whether a person is entitled to benefit in a case where his entitlement depends on his having been entitled to the same or some other benefit before attaining a particular age, subsection (2) above shall be disregarded for the purpose only of determining the question whether he was so entitled before attaining that age.
- (4) For the purposes of this section—
- (a) “adjudicating authority” and “the court” have the same meaning as they have in section 66 above;
  - (b) any reference to—
    - (i) a person’s entitlement to benefit; or
    - (ii) a decision which is referable to a claim,
 shall be construed in accordance with subsection (5) of that section; and
  - (c) the date of the relevant determination shall, in prescribed cases, be determined in accordance with any regulations made under subsection (6) of that section.]

#### Textual Amendments

- F1** S. 67 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. 67 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)

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

- C1** S. 67 modified (25.8.1995) by S.R. 1995/293, **reg. 46**
- S. 67 modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), **arts. 1(3)(c)(d), 77, Sch. 5 para. 6**

**Status:**

Point in time view as at 14/12/2009.

**Changes to legislation:**

Social Security Administration (Northern Ireland) Act 1992, Section 67 is up to date with all changes known to be in force on or before 14 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.