
STATUTORY INSTRUMENTS

1998 No. 1506

The Social Security (Northern Ireland) Order 1998

PART II

DECISIONS AND APPEALS

CHAPTER II

SOCIAL SECURITY DECISIONS AND APPEALS

Appeals

Appeal to appeal tribunal

^{F1}**13** .—^{F2F3}(1 ^{F4} This Article applies to any decision of the Department under Article 9 or 11 (whether as originally made or as revised under Article 10) which—

- (a) is made on a claim for, or on an award of, a relevant benefit, and does not fall within Schedule 2;^{F5} or]
- (b) is made otherwise than on such a claim or award, and falls within Schedule 3;^{F6} . . .

Sub.#para. (c) rep. by SI 1999/671

^{F5}(2) ^{F4} In the case of a decision to which this Article applies, the claimant and such other person as may be prescribed shall have a right to an appeal tribunal, but nothing in this paragraph shall confer a right of appeal

- [in relation to a prescribed decision, or a prescribed determination embodied in or necessary ^{F7}(a)] to a decision][^{F8}, or
- (b) where regulations under paragraph (3A) so provide.]

^{F9}(2A) In the case of a decision relating to child benefit or guardian's allowance, the making of any appeal under this section against the decision as originally made must follow the Commissioners for Her Majesty's Revenue and Customs first deciding, on an application made for revision of that decision under Article 10, not to revise the decision.]

(3 ^{F4} Regulations under paragraph (2) shall not prescribe any decision or determination that relates to the conditions of entitlement to a relevant benefit for which a claim has been validly made or for which no claim is required.

^{F10}(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal under paragraph (2) in relation to a decision only if the Department has considered whether to revise the decision under Article 10.

(3B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the Department was on an application,
- (b) the Department considered issues of a specified description, or

Status: Point in time view as at 01/06/2018.

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(c) the consideration by the Department satisfied any other condition specified in the regulations.

(3C) The references in paragraphs (3A) and (3B) to regulations and to the Department are subject to any statutory provision under or by virtue of which the functions under this Chapter are transferred to or otherwise made exercisable by a person other than the Department.]

^{F4}(4) Where the Department has determined that any amount is recoverable under section 69 [^{F11}, 69ZB, 69ZG, 69ZH] or 72 of the Administration Act, any person from whom the Department has determined that it is recoverable shall have the same right of appeal to an appeal tribunal as a claimant.

(5 ^{F4} In any case where—

- (a) the Department has made a decision in relation to a claim under Part V of the Contributions and Benefits Act; and
- (b) the entitlement to benefit under that Part of that Act of any person other than the claimant is or may be, under Part VI of Schedule 7 to that Act, affected by that decision,

that other person shall have the same right of appeal to an appeal tribunal as the claimant.

[^{F12}(5A) Regulations may provide that, where in accordance with regulations under paragraph (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under Article 10.]

(6 ^{F4} A person with a right of appeal under this Article shall be given such notice of a decision to which this Article applies and of that right as may be prescribed.

(7) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought.

(8 ^{F4} In deciding an appeal under this Article, an appeal tribunal—

- (a ^{F4} need not consider any issue that is not raised by the appeal; and
- (b) shall not take into account any circumstances not obtaining at the time when the decision appealed against was made.

(9 ^{F4} The reference in paragraph (1) to a decision under Article 11 is a reference to a decision superseding any such decision as is mentioned in sub-paragraph (a) or (b) of paragraph (1) of that Article.

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| F1 | mod. by SR 1999/349, 350 |
| F2 | temp. mod. by SI 2002/2926 |
| F3 | prosp. in pt. certain functions transf. by 2002 c. 21 |
| F4 | mod. by SI 2005/191 |
| F5 | SI 1999/671 |
| F6 | SI 1999/671 |
| F7 | Words in art. 13(2) renumbered as art. 13(2)(a) (17.3.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006) , arts. 2(2), 107(2)(a) ; S.R. 2016/166, art. 2(a) |
| F8 | Art. 13(2)(b) and word inserted (17.3.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006) , arts. 2(2), 107(2)(b) ; S.R. 2016/166, art. 2(a) |
| F9 | Art. 13(2A) inserted (6.4.2014) by The Tax Credits, Child Benefit and Guardian's Allowance Reviews and Appeals Order 2014 (S.I. 2014/886) , arts. 1(1), 4(2) (with art. 1(5)) |
| F10 | Art. 13(3A)-(3C) inserted by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006) , arts. 2(2), 107(3) (with art. 107(7)-(9)); S.R. 2016/166, art. 2(a) |
| F11 | Words in art. 13(4) inserted (4.4.2016 for specified purposes, 2.5.2016 for specified purposes, 27.9.2017 in so far as not already in |

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operation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **109(6)**; S.R. 2016/46, art. 4(a); S.R. 2016/215, arts. 2(6)(b), 3(3); S.R. 2017/190, art. 3(1)(2)(e)

F12 Art. 13(5A) inserted (17.3.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **107(4)**; S.R. 2016/166, art. 2(a)

Modifications etc. (not altering text)

C1 Art. 13 applied (with modifications) (30.11.2016) by The Childcare Payments (Appeals) Regulations 2016 (S.I. 2016/1078), regs. 1, **4**

C2 Art. 13 applied (1.6.2018) by Justice Act (Northern Ireland) 2016 (c. 21), **ss. 14(6)**, 61(2); S.R. 2018/99, art. 2(a)

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