

1980 No. 260

SOCIAL SECURITY

The Family Income Supplements (Transitional) Regulations
(Northern Ireland) 1980

Made 30th July 1980

Coming into operation 18th August 1980

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 9(1) of the Social Security (Northern Ireland) Order 1980(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Income Supplements (Transitional) Regulations (Northern Ireland) 1980 and shall come into operation on 18th August 1980.

(2) In these regulations—

“the 1971 Act” means the Family Income Supplements Act (Northern Ireland) 1971(b);

“the 1980 Order” means the Social Security (Northern Ireland) Order 1980;

“claimant” means a claimant to family income supplement;

“Commission” means the Supplementary Benefits Commission for Northern Ireland;

“the Department” means the Department of Health and Social Services;

“supplement officer” has the same meaning as in section 16(1) of the 1971 Act(c).

Determinations before 24th November 1980 in respect of periods beginning on or after that date

2.—(1) Where any question relating to a claimant’s entitlement to family income supplement in respect of a period beginning on or after 24th November 1980 falls to be determined before that date, determination of that question shall be subject to the following paragraphs.

(2) Any such question which, if it had fallen to be determined on or after 24th November 1980, would fall to be determined by a supplement officer pursuant to section 6(1) of the 1971 Act(d) shall be determined by the Commission pursuant to that Act as amended.

(3) Section 7 of the 1971 Act (appeals)(e) shall apply to a determination to which paragraph (2) applies as if the determination had been made under that Act as so amended.

(a) S.I. 1980/870 (N.I. 8)

(b) 1971 c. 8 (N.I.)

(c) Section 16(1) was amended by S.I. 1980/870 (N.I. 8), Article 8(6)

(d) Section 6(1) was amended by S.I. 1980/870 (N.I. 8), Article 8(2) and (3)

(e) Section 7 was amended by S.I. 1977/2156 (N.I. 27), Article 42(2) and Sch. 6, para. 13; S.I. 1979/396 (N.I. 5), Article 16 and Sch. 3 para. 1, and S.I. 1980/870 (N.I. 8), Articles 8(2) and (4) and 16 and Sch. 4 Part II

Determinations on or after 24th November 1980 in respect of periods before that date

3.—(1) Where any question relating to a claimant's entitlement to family income supplement in respect of a period before 24th November 1980 falls to be determined on or after that date, any question which, if it had fallen to be determined before that date, would have fallen to be determined by the Commission shall be determined by a supplement officer exercising the same powers as the Commission could have exercised if that question had fallen to be determined before that date.

(2) Section 7 of the 1971 Act shall apply to a determination to which paragraph (1) applies as if that determination had been made under that Act as amended by the 1980 Order.

(3) Where, pursuant to section 10(2)(h) of the 1971 Act(f) a determination with respect to family income supplement falls to be reviewed, a supplement officer may review that determination notwithstanding that it was made by the Commission.

Appeals against determinations by the Commission

4.—(1) This regulation applies to any determination by the Commission which is either—

- (a) in respect of a period before 24th November 1980; or
- (b) in respect of a period beginning on or after that date.

(2) Any appeal which, by virtue of section 7 of the 1971 Act, could have been brought against such a determination to an Appeal Tribunal may be brought to that Tribunal and in any such proceedings a supplement officer shall be a party instead of the Commission.

(3) In any proceedings in respect of an appeal which, by virtue of section 7 of the 1971 Act, has been brought against such a determination to an Appeal Tribunal before 24th November 1980, but has not been fully determined before that date, a supplement officer shall, on or after that date, be a party instead of the Commission.

Proceedings to which the Commission is a party

5. In any proceedings pending on 24th November 1980 before a court or tribunal (other than an Appeal Tribunal) the Department shall be substituted as a party for the Commission.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 30th July 1980.

(L.S.)

T. S. Martin

Assistant Secretary

(f) Section 10(2)(h) was amended by S.I. 1979/396 (N.I. 5), Article 16 and Sch. 3 para. 2 and S.I. 1980/870 (N.I. 8), Articles 8(2) and 16 and Sch. 4 Part II

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations make transitional provisions connected with the amendments made to the Family Income Supplements Act (Northern Ireland) 1971 by the Social Security (Northern Ireland) Order 1980 and brought into operation on 24th November 1980 by the Social Security (1980 Order) (Commencement No. 1) Order (Northern Ireland) 1980 (S.R. 1980 No. 212 (C. 7)).

Regulation 2 makes provision for questions relating to entitlement to family income supplement for periods beginning on or after 24th November 1980 but which are determined before that date, to be determined by the Supplementary Benefits Commission for Northern Ireland (the "Commission") and for the appeals provisions in section 7 of the 1971 Act to apply subject to modifications to such determinations. Regulation 3 provides for questions relating to family income supplement for periods before that date but which are to be determined on or after that date to be determined by a supplement officer, and enables a supplement officer to review any determination made by the Commission. Regulation 4 provides that an appeal to a Supplementary Benefits Appeal Tribunal against a determination of the Commission may be brought after that date, and that a supplement officer will be a party to any proceedings in such an appeal against a determination of the Commission heard on or after that date. Regulation 5 provides that in other court or tribunal proceedings pending on 24th November the Department of Health and Social Services shall be substituted for the Commission.