
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 162

The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999

PART III

SUSPENSION, TERMINATION AND OTHER MATTERS

CHAPTER II

Other matters

Decisions involving issues that arise on appeal in other cases

21.—(1) For the purposes of Article 25(3)(b), a case which satisfies the condition in paragraph (2) is a prescribed case.

(2) The condition is that the claimant would be entitled to the benefit to which the decision which falls to be made relates, even if the appeal in the other case referred to in Article 25(1)(b) were decided in a way which is the most unfavourable to him.

(3) For the purposes of Article 25(3)(b), the prescribed basis on which the Department may make the decision is as if—

- (a) the appeal in the other case referred to in Article 25(1)(b) had already been determined; and
- (b) that appeal had been decided in a way which is the most unfavourable to the claimant.

(4) The circumstances prescribed under Article 25(5)(c), where an appeal is pending against a decision for the purposes of that Article, even though an appeal against the decision has not been brought (or, as the case may be, an application for leave to appeal against the decision has not been made) but the time for doing so has not yet expired, are where the Department—

- (a) certifies in writing that it is considering appealing against that decision; and
- (b) considers that, if such an appeal were to be determined in a particular way—
 - (i) there would be no entitlement to benefit in a case to which Article 25(1)(a) refers, or
 - (ii) the appeal would affect the decision in that case in some other way.

Appeals involving issues that arise in other cases

22. The circumstances prescribed under Article 26(6)(c), where an appeal is pending against a decision in the case described in Article 26(1)(b), even though an appeal against the decision has not been brought (or, as the case may be, an application for leave to appeal against the decision has not been made) but the time for doing so has not yet expired, are where the Department—

- (a) certifies in writing that it is considering appealing against that decision; and
- (b) considers that, if such an appeal were already determined, it would affect the determination of the appeal described in Article 26(1)(a).

Child support decisions involving issues that arise on appeal in other cases

23.—(1) For the purposes of Article 28ZA(2)(b) of the Child Support Order(1), a case which satisfies either of the conditions in paragraph (2) is a prescribed case.

(2) The conditions are that—

- (a) if a decision were not made on the basis prescribed in paragraph (3), the parent with care would become entitled to income support if a claim were made, or to an increased amount of that benefit; or
- (b) the absent parent is an employed earner or a self-employed earner.

(3) For the purposes of Article 28ZA(2)(b) of the Child Support Order, the prescribed basis on which the Department may make the decision is as if—

- (a) the appeal in relation to the different maintenance assessment, which is referred to in Article 28ZA(1)(b) of that Order had already been determined; and
- (b) that appeal had been decided in a way that was the most unfavourable to the applicant for the decision mentioned in Article 28ZA(1)(a) of that Order.

(4) The circumstances prescribed under Article 28ZA(4)(c) of the Child Support Order(2), where an appeal is pending against a decision for the purposes of that Article, even though an appeal against the decision has not been brought (or, as the case may be, an application for leave to appeal against the decision has not been made) but the time for doing so has not yet expired, are where the Department—

- (a) certifies in writing that it is considering appealing against that decision; and
- (b) considers that, if such an appeal were to be determined in a particular way—
 - (i) there would be no liability for child support maintenance, or
 - (ii) such liability would be less than would be the case were an appeal not made.

(5) In this regulation—

“absent parent” and “parent with care” have the same meanings as in Article 2(2) of the Child Support Order(3);

“employed earner” and “self-employed earner” have the same meanings as in section 2(1) of the Contributions and Benefits Act.

Child support appeals involving issues that arise in other cases

24. The circumstances prescribed under Article 28ZB(6)(c) of the Child Support Order(4), where an appeal is pending against a decision in the case described in Article 28ZB(1)(b) of that Order, even though an appeal against the decision has not been brought (or, as the case may be, an application for leave to appeal against the decision has not been made) but the time for doing so has not yet expired, are where the Department—

- (a) certifies in writing that it is considering appealing against that decision; and
- (b) considers that, if such an appeal were already determined, it would affect the determination of the appeal described in Article 28ZB(1)(a) of that Order.

(1) Article 28ZA(2)(b) was inserted by Article 43 of the Social Security (Northern Ireland) Order 1998

(2) Article 28ZA(4)(c) was inserted by Article 43 of the Social Security (Northern Ireland) Order 1998

(3) The definition of “parent with care” was inserted by paragraph 2(a) of Schedule 3 to the Child Support (Northern Ireland) Order 1995 (S.I.1995/2702 (N.I. 13))

(4) Article 28ZB(6)(c) was inserted by Article 43 of the Social Security (Northern Ireland) Order 1998