
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 310

The Social Security (1998 Order) (Commencement No. 7 and Savings, Consequential and Transitional Provisions) Order (Northern Ireland) 1999

Consequential Amendments

Amendment of the Workmen's Compensation (Supplementation) Regulations

8.—(1) The Workmen's Compensation (Supplementation) Regulations (Northern Ireland) 1983⁽¹⁾ shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the Act of 1966” there shall be inserted the following definition—

““the Order” means the Social Security (Northern Ireland) Order 1998;”;

(b) for the definition of “the appropriate determining authority” there shall be substituted the following definition—

““the appropriate determining authority” means, as the case may require, the Department, an appeal tribunal to which there is a right of appeal pursuant to Article 13 of the Order or a Commissioner to whom an appeal lies under Article 15 of that Order;”;

(c) for the definition of “claimant” there shall be substituted the following definition—

““claimant” means a person claiming an allowance and includes, in relation to the revision or supersession of a decision, a beneficiary under the award or affected by the decision;”;

(d) after the definition of “corresponding disablement pension rate” there shall be inserted the following definition—

““the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999;”;

(e) after the definition of “the Department” there shall be inserted the following definition—

““medical practitioner” means a medical practitioner who has experience in the issues specified in regulation 12(1) of the Decisions and Appeals Regulations;”;

(f) the definition of “the adjudication officer” shall be omitted.

(3) In regulation 6(5) (amount of workmen's compensation) for “review” there shall be substituted “revision under Article 10 of the Order or supersession under Article 11 of the Order”.

(4) For regulation 12 (determination of questions arising under the regulations) there shall be substituted the following regulation—

(1) [S.R. 1983 No. 101](#); relevant amending regulations are [S.R. 1990 No. 445](#). See also Article 3 of the Social Security Adjudications (Northern Ireland) Order 1983 ([S.I. 1983/1524 \(N.I. 17\)](#))

“Determination of claims and applications for revision and supersession arising under the regulations

12. Any issue relating to any allowance under these regulations shall be determined as if it had arisen under Part V of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁾ and except where these regulations otherwise provide, the provisions of the Order and of the Social Security (General Benefit) Regulations (Northern Ireland) 1984⁽³⁾, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽⁴⁾, the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988⁽⁵⁾, the Decisions and Appeals Regulations and the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999⁽⁶⁾ which are specified in Schedule 2, shall, with the necessary modifications, apply for the purposes of these regulations.”.

(5) For regulation 22 (review of decisions) there shall be substituted the following regulation—

“Revision or supersession of decisions

22.—(1) The Department may at any time revise or supersede any decision made under provisions of the Workmen’s Compensation (Supplementation) Regulations (Northern Ireland) 1966⁽⁷⁾ in force immediately before 17th October 1977, where—

- (a) the decision was erroneous in point of law, or was made in ignorance of, or was based on a mistake as to, some material fact; or
- (b) there has been any relevant change of circumstances since the decision was made.

(2) A decision may be revised or superseded by the Department on its own initiative or on an application in writing to the Department for the purpose.

(3) Where it appears to the Department that an issue has arisen whether the decision as to an award of an allowance to which this regulation relates ought to be revised or superseded in accordance with the provisions of paragraph (1), the Department may direct that payment of the allowance shall be suspended in whole or in part until that issue has been determined.

(4) Repayment of sums by way of an allowance in pursuance of the original decision shall not be required under this regulation in any case where the Department is satisfied that in the obtaining and receipt of the benefit the beneficiary, and any person acting for him, has not misrepresented nor failed to disclose a material fact.

(5) For the purposes of this regulation a decision made under any scheme made under the Act of 1951 shall be treated as if it had been made under the Workmen’s Compensation (Supplementation) Regulations (Northern Ireland) 1966 as they were immediately before the Workmen’s Compensation (Supplementation) (Amendment) Regulations (Northern Ireland) 1977⁽⁸⁾ came into operation.

(6) On a revision or supersession of a decision made under any scheme made under the Act of 1951 in force before 23rd May 1966 a decision made by the Department may determine any issue referred to it arising under any such scheme.”.

(6) In regulation 27 (review)—

- (a) for “a question” there shall be substituted “an issue”;

(2) 1992 c. 7

(3) S.R. 1984 No. 92

(4) S.R. 1987 No. 465

(5) S.R. 1988 No. 142

(6) S.R. 1999 No. 225

(7) S.R. & O. (N.I.) 1966 No. 105

(8) S.R. 1977 No. 273

(b) for “reviewed by the adjudication officer” there shall be substituted “considered by the Department and it may decide the issue afresh”; and

(c) for “the question” there shall be substituted “the issue”.

(7) For Schedule 2 (provisions of the Social Security Act or regulations applicable (with the necessary modifications) to these regulations) there shall be substituted the Schedule set out in Schedule 2 to this Order.