
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 472

**The Social Security (1998 Order) (Commencement
No. 11 and Consequential and Transitional
Provisions) Order (Northern Ireland) 1999**

Transitional Provisions and Revocations

Transitional provisions in relation to recovery of benefits

20.—(1) Notwithstanding regulation 59 of the Decisions and Appeals Regulations, regulation 2 of the Appeals Regulations shall continue to apply until 29th December 2000 in relation to any certificate of recoverable benefits in respect of which a right of appeal arose before 29th November 1999 subject to the modifications specified in paragraph (2).

(2) Regulation 2 of the Appeals Regulations shall have effect as if—

- (a) for “chairman” in each place where it occurs there were substituted “legally qualified panel member”;
- (b) in paragraph (2) “of a medical appeal tribunal” were omitted;
- (c) for paragraph (7) there were substituted the following paragraph—
 - “(7) Notwithstanding paragraph (2), no appeal may be brought after 29th December 2000.”;
- (d) in paragraph (18) the words from “, notwithstanding that a condition” to the end were omitted; and
- (e) after paragraph (18) there were added the following paragraph—

“(19) In this regulation “legally qualified panel member” has the same meaning as in regulation 1(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999.”.

(3) Any appeal made (but not determined) before 29th November 1999 against a certificate of recoverable benefits shall be referred to, and determined by, an appeal tribunal under Article 14 of the Recovery of Benefits Order.

(4) Where a direction (“the direction”) was given under regulation 4(1) of the Appeals Regulations an appeal tribunal shall hold an oral hearing of an appeal where—

- (a) a notification that a party to the proceedings wishes an oral hearing is received by the clerk to a medical appeal tribunal before 29th November 1999 or by the clerk to an appeal tribunal (notwithstanding that it was sent to the clerk to a medical appeal tribunal) after that date within—
 - (i) 10 days of receipt of the direction by that party, or
 - (ii) such other period as the clerk to, or the chairman of, the medical appeal tribunal may have directed or, as the case may be, the clerk to an appeal tribunal may direct, or
- (b) the chairman or, in the case of an appeal tribunal which has only one member, that member, is satisfied that such a hearing is necessary to enable the appeal tribunal to reach a decision,

notwithstanding regulation 39 and Chapter III of Part V of the Decisions and Appeals Regulations.

(5) An appeal tribunal shall determine an appeal without an oral hearing where paragraph (4) does not apply.

(6) An appeal tribunal shall completely rehear any appeal to a medical appeal tribunal in relation to a certificate of recoverable benefits which stands adjourned immediately before 29th November 1999.

(7) A copy of a statement of—

- (a) the reasons for a decision of a medical appeal tribunal in relation to a certificate of recoverable benefits; and
- (b) its findings of fact material thereto,

shall be supplied to each party to the proceedings before that tribunal, if requested by any such party within 21 days of the date on which notification of that decision was given or sent.

(8) Notwithstanding regulation 59 of the Decisions and Appeals Regulations, and subject to paragraph (10), regulation 11 of the Appeals Regulations, and regulations 2(16) and (17) and 12 of those Regulations in so far as they relate to that regulation, shall continue to apply in relation to any application to set aside a decision of a medical appeal tribunal in relation to a certificate of recoverable benefits, subject to the modifications specified in paragraph (9).

(9) The Appeals Regulations shall have effect as if in—

- (a) regulation 2(16) for “chairman” there were substituted “legally qualified panel member”;
- (b) regulation 11(1) for “the tribunal which gave the decision or by another medical appeal tribunal” there were substituted “a legally qualified panel member”;
- (c) regulation 11(2)—
 - (i) for “tribunal shall” in both places where it occurs there were substituted “legally qualified panel member shall”, and
 - (ii) for “it is satisfied” there were substituted “he is satisfied”;
- (d) regulation 11(3)(b) after “the office of the clerk to the tribunal which made the relevant decision” there were inserted “or to the clerk to an appeal tribunal”; and
- (e) regulation 11(4)—
 - (i) for “the chairman of the tribunal” there were substituted “a legally qualified panel member”, and
 - (ii) for “chairman” there were substituted “legally qualified panel member”.

(10) Paragraph (8) shall not apply in any case where an application to set aside a decision of a medical appeal tribunal is made after 29th December 2000.

(11) Subject to paragraph (12), any decision of a medical appeal tribunal under Article 14 of the Recovery of Benefits Order shall be treated as a decision of an appeal tribunal under that Article.

(12) Where paragraph (11) applies, any application for leave to appeal which is made for the purposes of Article 15(10)(a) of the Order shall be—

- (a) made no later than three months after the date on which a copy of the statement of the reasons for the decision of the medical appeal tribunal was given or sent to the applicant; and
- (b) determined by a legally qualified panel member.

(13) In this Article—

“the Appeals Regulations” means the Social Security (Recovery of Benefits) (Appeals) Regulations (Northern Ireland) 1997⁽¹⁾;

“the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999⁽²⁾;

“legally qualified panel member” has the same meaning as in regulation 1(2) of the Decisions and Appeals Regulations.

(1) S.R. 1997 No. 430
(2) S.R. 1999 No. 162