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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 215**

**The Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2000**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2000 and shall come into operation on 19th June 2000.

(2) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations**

2. In regulation 7 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986(2) (recrudescence) in paragraph (4) for the words from “review of the assessment” to the end of that paragraph there shall be substituted “a supersession of the assessment relating to the relevant period.”.

**Amendment of the Social Security (Claims and Payments) Regulations**

3.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(3) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 6 (date of claim)—

(a) for paragraphs (16) to (26)(4) there shall be substituted the following paragraphs—

“(16) Where a person has claimed a relevant benefit and that claim (“the original claim”) has been refused in the circumstances specified in paragraph (17), and a further claim is made in the additional circumstances specified in paragraph (18), that further claim shall be treated as made—

(a) on the date of the original claim; or

(b) on the first date in respect of which the qualifying benefit was payable,

whichever is the later.

(17) The circumstances referred to in paragraph (16) are that the ground for refusal was—

(a) in the case of severe disablement allowance, that the claimant’s disablement was less than 80 per cent.;

(b) in the case of invalid care allowance, that the disabled person was not a severely disabled person within the meaning of section 70(2) of the Contributions and Benefits Act;

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(1) 1954 c. 33 (N.I.)

(2) S.R. 1986 No. 179, to which there are amendments not relevant to these regulations

(3) S.R. 1987 No. 465; relevant amending rules are S.R. 1990 No. 398, S.R. 1992 No. 83, S.R. 1993 Nos. 149 and 217, S.R. 1996 No. 354, S.R. 1997 Nos. 156 and 417, S.R. 1998 No. 182 and S.R. 1999 No. 472 (C. 36)

(4) Paragraphs (16) to (26) were added by regulation 3(4)(e) of S.R. 1997 No. 156

(c) in any case, that the claimant had not been awarded a qualifying benefit.

(18) The additional circumstances referred to in paragraph (16) are that—

- (a) the claimant had made a claim for the qualifying benefit not later than ten days after the date of the original claim, and the claim for the qualifying benefit had not been decided;
- (b) after the original claim had been decided the claim for the qualifying benefit had been decided in the claimant's or the disabled person's favour; and
- (c) the further claim was made within three months of the date on which the claim for the qualifying benefit was decided.

(19) Where a person has been awarded a relevant benefit and that award ("the original award") has been terminated in the circumstances specified in paragraph (20), and a further claim is made in the additional circumstances specified in paragraph (21), that further claim shall be treated as made—

- (a) on the date of termination of the original award; or
- (b) on the first date in respect of which the qualifying benefit again becomes payable,

whichever is the later.

(20) The circumstances referred to in paragraph (19) are that the award of the qualifying benefit has itself been terminated or reduced by means of a revision, supersession or appeal in such a way as to affect the award of the relevant benefit.

(21) The additional circumstances referred to in paragraph (19) are that—

- (a) after the original award has been terminated the claim for the qualifying benefit is decided in the claimant's or the disabled person's favour; and
- (b) the further claim is made within three months of the date on which the qualifying benefit is re-awarded following revision, supersession or appeal.

(22) In paragraphs (16) to (21)—

"relevant benefit" means any of the following, namely—

- (a) benefit under Parts II to V of the Contributions and Benefits Act except incapacity benefit;
- (b) income support;
- (c) a jobseeker's allowance;
- (d) a social fund payment mentioned in section 134(1)(a) or (2) of the Contributions and Benefits Act<sup>(5)</sup>;
- (e) child benefit;

"qualifying benefit" means—

- (a) in relation to severe disablement allowance, the highest rate of the care component of disability living allowance;
- (b) in relation to invalid care allowance, any benefit or payment referred to in section 70(2) of the Contributions and Benefits Act;
- (c) in relation to a social fund payment in respect of maternity or funeral expenses, any benefit referred to in regulation 4(1)(a) or 6(1)(a) of the Social Fund

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(5) Section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998

(Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(6);

- (d) any other relevant benefit which has the effect of making another relevant benefit payable or payable at an increased rate;

“the disabled person” means the person for whom the invalid care allowance claimant is caring in accordance with section 70(1)(a) of the Contributions and Benefits Act.

(23) Where a person has ceased to be entitled to incapacity benefit, and a further claim for that benefit is made in the circumstances specified in paragraph (24), that further claim shall be treated as made—

- (a) on the date on which entitlement to incapacity benefit ceased; or  
(b) on the first date in respect of which the qualifying benefit was payable,

whichever is the later.

(24) The circumstances referred to in paragraph (23) are that—

- (a) entitlement to incapacity benefit ceased on the ground that the claimant was not incapable of work;  
(b) at the date that entitlement ceased the claimant had made a claim for a qualifying benefit and that claim had not been decided;  
(c) after entitlement had ceased, the claim for the qualifying benefit was decided in the claimant’s favour; and  
(d) the further claim for incapacity benefit was made within three months of the date on which the claim for the qualifying benefit was decided.

(25) In paragraphs (23) and (24) “qualifying benefit” means any of the payments referred to in regulation 10(2)(a) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(7).

(26) In paragraphs (18)(a) and (c), (21)(a) and (24)(b) to (d), and in paragraph (18)(b) where it appears for the second time, “decided” includes the making of a decision following a revision, supersession or an appeal, whether by the Department, an appeal tribunal, a Commissioner or the court.”; and

- (b) in paragraph (29)(8) for “paragraphs (16) and (21)” there shall be substituted “paragraphs (16) and (19)”.

(3) In regulation 26(1)(9) (income support) “, the date from which a superseding decision on the ground of a relevant change of circumstances has effect” shall be omitted.

(4) In regulation 26A(10) (jobseeker’s allowance)—

- (a) in paragraph (1) for “paragraphs (2) to (8)” there shall be substituted “the following provisions of this regulation”; and  
(b) paragraphs (4) to (8) shall be omitted.

(5) In Schedule 7(11) (manner and time of payment, effective date of superseding decision and commencement of entitlement in income support cases)—

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(6) S.R. 1987 No. 150; relevant amending regulations are S.R. 1988 No. 22, S.R. 1992 No. 6, S.R. 1996 No. 423, S.R. 1997 No. 155, S.R. 1999 No. 385 and S.R. 2000 No. 49  
(7) S.R. 1995 No. 41; regulation 10(2)(a) was substituted by regulation 4(3)(b)(i) of S.R. 1995 No. 149  
(8) Paragraph (29) was added by regulation 2(2) of S.R. 1997 No. 417  
(9) Regulation 26(1) was amended by regulation 2(3) of S.R. 1993 No. 217 and Article 9(7)(a) of S.R. 1999 No. 472 (C. 36)  
(10) Regulation 26A was inserted by regulation 2(14) of S.R. 1996 No. 354 and amended by regulation 6(2) of S.R. 1998 No. 182 and Article 9(8) of S.R. 1999 No. 472 (C. 36)  
(11) Relevant amending rules are S.R. 1990 No. 398, S.R. 1992 No. 83, S.R. 1993 No. 149 and S.R. 1999 No. 472 (C. 36)

- (a) in the heading, “, effective date of superseding decision” shall be omitted; and
- (b) paragraph 7 shall be omitted.

#### **Amendment of the Child Support (Maintenance Assessment Procedure) Regulations**

4.—(1) The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(12) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) in the definition of “official error”(13) after “materially contributed” there shall added “, but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of a Child Support Commissioner or the court”.

(3) In regulation 16(6)(a)(i)(14) (revision of decisions) for “the date from which the decision had effect” there shall be substituted “the date on which the decision was made”.

(4) In regulation 19(3)(a)(i) (supersession of decisions) for “since the decision was made” there shall be substituted “since the date from which the decision took effect”.

(5) In regulation 22 (date from which a superseding decision takes effect)—

- (a) in paragraphs (2) and (4) at the beginning there shall be inserted “Subject to paragraph (19),”; and
- (b) after paragraph (18) there shall be added the following paragraph—

“(19) Where a superseding decision is made in a case to which regulation 19(2)(a) or (3) applies and the material circumstance is the death of a qualifying child or a qualifying child ceasing to be a qualifying child, that decision shall take effect from the first day of the maintenance period in which the change occurred.”.

#### **Amendment of the Child Support Departure Direction and Consequential Amendments Regulations**

5.—(1) The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(15) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) in the definition of “official error”(16) after “materially contributed” there shall be added “, but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of a Child Support Commissioner or the court”.

(3) In regulation 8(17) (procedure in relation to the determination of an application) paragraph (8) shall be omitted.

(4) In regulation 32A(2)(a)(i)(18) (revision of decisions) for “the date from which the decision had effect” there shall be substituted “the date on which the decision was made”.

(5) In regulation 32E (date from which a superseding decision takes effect)—

- (a) in paragraph (2) for “paragraphs (3) and (5)” there shall be substituted “paragraphs (3), (5) and (12)”;
- (b) in paragraph (3) at the beginning there shall be inserted “Subject to paragraph (12),”; and
- (c) after paragraph (11) there shall be added the following paragraph—

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(12) S.R. 1992 No. 340; relevant amending regulations are S.R. 1999 No. 167

(13) The definition of “official error” was inserted by regulation 2(2)(a) of S.R. 1999 No. 167

(14) Regulations 16, 19 and 22 were substituted by regulation 2(12) of S.R. 1999 No. 167

(15) S.R. 1996 No. 541; relevant amending regulations are S.R. 1999 No. 167

(16) The definition of “official error” was inserted by regulation 3(2)(b) of S.R. 1999 No. 167

(17) Paragraph (8) was amended by regulation 3(5)(b) of S.R. 1999 No. 167

(18) Regulations 32A and 32E were inserted by regulation 3(11) of S.R. 1999 No. 167

“(12) Where a superseding decision is made in a case to which regulation 32D(2)(a) or (3) applies and the material circumstance is the death of a qualifying child or a qualifying child ceasing to be a qualifying child, that decision shall take effect from the first day of the maintenance period in which the change occurred.”.

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations**

**6.—**(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**19**) shall be amended in accordance with paragraphs (2) to (22).

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

(a) after the definition of “disability determination”(**20**) there shall be inserted the following definition—

““family” has the same meaning as in section 133(1) of the Contributions and Benefits Act;”;

(b) in the definition of “incapacity benefit decision” after “relevant benefit” there shall be inserted “or relevant credit”;

(c) in the definition of “incapacity determination” for “all work test” there shall be substituted “personal capability assessment”;

(d) in the definition of “official error” after “materially contributed” there shall be added “, but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of a Commissioner or the court”; and

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

““relevant credit” means a credit of contributions or earnings resulting from a decision in accordance with regulations made under section 22(5) of the Contributions and Benefits Act(**21**);”.

(3) In regulation 3 (revision of decisions) for paragraph (7) there shall be substituted the following paragraph—

“(7) A decision under Article 9 or 11 may be revised where—

(a) the Department, appeal tribunal or Commissioner has awarded a relevant benefit; and

(b) on the date on which entitlement to that benefit arises, the claimant or a member of his family becomes entitled to and is paid another relevant benefit or an increase in the rate of another relevant benefit.”.

(4) In regulation 6(2) (supersession of decisions) for sub-paragraph (e) there shall be substituted the following sub-paragraph—

“(e) is a decision where—

(i) the claimant has been awarded a relevant benefit, and

(ii) on a date after entitlement to that benefit arises, the claimant or a member of his family becomes entitled to and is paid another relevant benefit or an increase in the rate of another relevant benefit;”.

(5) In regulation 7(**22**) (date from which a decision superseded under Article 11 takes effect)—

(19) S.R. 1999 No. 162; relevant amending rules are S.R. 1999 Nos. 267, 271 (C. 22) and 472 (C. 36) and S.R. 2000 No. 3

(20) The definitions of “disability determination”, “incapacity benefit decision” and “incapacity determination” were inserted by regulation 2(2) of S.R. 1999 No. 267

(21) Section 22(5) was amended by paragraph 5 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))

(22) Paragraphs (1) and (2) were amended by Article 17 of S.R. 1999 No. 472 (C. 36) and paragraph (9) was substituted by regulation 2(2) of S.R. 2000 No. 3

- (a) in paragraph (1) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
- “(a) is, except for paragraph (2)(b), subject to Schedule 2A; and”;
- (b) in paragraph (2) after sub-paragraph (b) there shall be inserted—
- “(bb) where the decision is advantageous to the claimant and is made on the Department’s own initiative, from the date on which the Department commenced action with a view to supersession; or”;
- (c) for paragraph (5) there shall be substituted the following paragraph—
- “(5) Where the Department supersedes a decision made by an appeal tribunal or a Commissioner on the grounds specified in regulation 6(2)(c), the decision under Article 11 shall take effect, in a case where, as a result of that ignorance of, or mistake as to, a material fact, the decision to be superseded was more advantageous to the claimant than it would otherwise have been and which either—
- (a) does not relate to a disability benefit decision or an incapacity benefit decision where there has been an incapacity determination; or
- (b) relates to a disability benefit decision or an incapacity benefit decision where there has been an incapacity determination, and the Department is satisfied that at the time the decision was made the claimant or payee knew or could reasonably have been expected to know of the fact in question and that it was relevant to the decision,
- from the date on which the decision of the appeal tribunal or the Commissioner took, or was to take, effect.”;
- (d) for paragraph (7) there shall be substituted the following paragraph—
- “(7) A decision which falls to be superseded under regulation 6(2)(e) shall be superseded from the date on which the claimant or member of his family becomes entitled to and receives the relevant benefit or increase in benefit referred to in regulation 6(2)(e) (ii).”; and
- (e) in paragraph (9)(a) for “the date of that decision” there shall be substituted “the date on which the Department commenced action with a view to supersession”.
- (6) After regulation 12 (decisions of the Department relating to industrial injuries benefit) there shall be inserted the following regulation—

**“Recrudescence of a prescribed disease**

**12A.—(1)** This regulation applies to a decision made under sections 108 to 110 of the Contributions and Benefits Act where a disease is subsequently treated as a recrudescence under regulation 7 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986.

(2) Where this regulation applies Chapter II of Part II of the Order shall apply as if Article 9(2) were omitted.”.

- (7) In regulation 16 (suspension in prescribed cases) for paragraph (4) there shall be substituted the following paragraph—

“(4) For the purposes of Article 21(3)(c) an appeal is pending where a decision of an appeal tribunal, a Commissioner or a court has been made and the Department—

- (a) is awaiting receipt of that decision or, in the case of an appeal tribunal decision, is considering whether to apply for a statement of the reasons for it, or has applied for such a statement and is awaiting receipt thereof; or

- (b) has received that decision or, in the case of an appeal tribunal decision, the statement of the reasons for it, and is considering whether to apply for leave to appeal, or, where leave to appeal has been granted, is considering whether to appeal,

and the Department shall give written notice of its proposal to make a request for a statement of the reasons for a tribunal's decision, to apply for leave to appeal, or to appeal, as soon as reasonably practicable.”.

- (8) In regulation 20(23) (making of payments which have been suspended)—

- (a) in paragraph (1) sub-paragraph (c) shall be omitted; and
- (b) for paragraphs (2) and (3) there shall be substituted the following paragraphs—

“(2) Where regulation 16(3)(b)(i) applies, payment of a benefit suspended shall be made where—

- (a) the Department does not, in the case of a decision of an appeal tribunal, apply for a statement of the reasons for that decision within the period of one month specified in regulation 53(4);
- (b) in the case of a decision of an appeal tribunal, a Commissioner or a court, an application for leave to appeal and, where leave to appeal is granted, the appeal is not made within the time prescribed for the making of such applications and appeals;
- (c) an application for leave to appeal or the appeal is withdrawn; or
- (d) leave to appeal is refused in circumstances where it is not open for the application for leave to be renewed or for a further application for leave to appeal to be made.

(3) Where regulation 16(3)(b)(ii) applies, payment of a benefit suspended shall be made where, in relation to the decision of a Commissioner or the court in a different case—

- (a) an application for leave to appeal and, where leave to appeal is granted, the appeal is not made within the time prescribed for the making of such applications and appeals;
- (b) an application for leave to appeal or the appeal is withdrawn; or
- (c) leave to appeal is refused in circumstances where it is not open for the application for leave to be renewed or for a further application for leave to appeal to be made.”.

- (9) In regulation 26 (decisions against which an appeal lies) after paragraph (b) there shall be added—

“or

- (c) under Schedule 6 to the Contributions and Benefits Act in relation to sections 103 and 108 of that Act for the purposes of industrial injuries benefit under Part V of that Act.”.

- (10) In regulation 33 (making of appeals and applications) after paragraph (8) there shall be added the following paragraph—

“(9) The Department may discontinue action on an appeal where the appeal has not been forwarded to the clerk to the appeal tribunal or to a legally qualified panel member and the appellant has given written notice that he does not wish the appeal to continue.”.

- (11) In regulation 36(24) (composition of appeal tribunals)—

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(23) Regulation 20 was amended by regulation 2(7) of S.R. 1999 No. 267

(24) Regulation 36 was amended by regulation 2 of S.R. 1999 No. 242 and regulation 2(4) of S.R. 1999 No. 473

- (a) in paragraph (1) “, including an appeal tribunal determining a misconceived appeal as a preliminary issue in accordance with regulation 48,” shall be omitted;
  - (b) in paragraph (2) for “paragraphs (3) to (5)” there shall be substituted “paragraphs (3) to (5), (8) and (9)”;
  - (c) in paragraphs (2)(a)(i) and (7) for “all work test” there shall be substituted “personal capability assessment”;
  - (d) in paragraph (2)(b)(i) after “appeal” there shall be inserted “(not being an appeal where the only issue is whether there should be a declaration of an industrial accident under Article 29(2))”;
  - (e) in paragraph (5) for “or (3)” there shall be substituted “, (3) or (9)”;
  - (f) in paragraph (6) for “a disability working allowance” there shall be substituted “a disabled person’s tax credit”; and
  - (g) after paragraph (7) there shall be added the following paragraphs—
    - “(8) A person shall not act as a medically qualified panel member of an appeal tribunal in any appeal if he has at any time advised or prepared a report on any person whose medical condition is relevant to the issue in the appeal, or has at any time regularly attended such a person.
    - (9) Subject to paragraph (5), an appeal tribunal determining a misconceived appeal as a preliminary issue in accordance with regulation 48 shall consist of a legally qualified panel member.”
- (12) In regulation 42 (non-disclosure of medical advice or evidence)—
- (a) in paragraph (1)—
    - (i) “the consideration and determination of” and “before an appeal tribunal” shall be omitted, and
    - (ii) for “the chairman or, in the case of an appeal tribunal which has only one member, that member,” there shall be substituted “a legally qualified panel member”; and
  - (b) in paragraph (2) for “the chairman or, in the case of an appeal tribunal which has only one member, that member,” there shall be substituted “a legally qualified panel member”.
- (13) In regulation 47 (reinstatement of struck out appeals) for “48(2)” there shall be substituted “48”.
- (14) In regulation 49(10) (procedure at oral hearings) after “any witness” there shall be added “or of any person whom the chairman or, in the case of an appeal tribunal which has only one member, that member, permits to be present in order to assist the clerk”.
- (15) In regulation 53 (decisions of appeal tribunals)—
- (a) in paragraph (3)(b) at the beginning there shall be inserted “except in the case of an appeal under the Vaccine Damage Payments Act,”; and
  - (b) in paragraph (4)—
    - (i) “a copy of” shall be omitted, and
    - (ii) after “regulation 54” there shall be added “and following that application the chairman or, as the case may be, that member shall record a statement of the reasons and a copy of that statement shall be sent or given to every party to the proceedings as soon as may be practicable”.
- (16) In regulation 54 (late applications for statement of reasons for tribunal decision)—
- (a) in paragraph (1)—
    - (i) “a copy of” shall be omitted, and



- (ii) after “are satisfied, but” there shall be inserted “, subject to paragraph (12A),”; and
- (b) after paragraph (12) there shall be inserted the following paragraph—
  - “(12A) In calculating the time specified for applying in writing for the statement of the reasons for the tribunal’s decision there shall be disregarded any day which falls before the day on which notice was given of—
    - (a) a correction of a decision or the record thereof pursuant to regulation 56; or
    - (b) a determination that a decision shall not be set aside following an application made under regulation 57.”.
- (17) In regulation 56(1) (correction of accidental errors) for “, where the clerk refers the matter to a legally qualified panel member, that member,” there shall be substituted “a legally qualified panel member”.
- (18) In regulation 57 (setting aside decisions on certain grounds)—
  - (a) for paragraph (3) there shall be substituted the following paragraph—
    - “(3) An application under this regulation shall—
      - (a) be made within one month of the date on which—
        - (i) a copy of the decision notice is sent or given to the parties to the proceedings in accordance with regulation 53(3), or
        - (ii) the statement of the reasons for the decision is sent or given in accordance with regulation 53(4),whichever is the later;
      - (b) be in writing and signed by a party to the proceedings or, where the party has provided written authority to a representative to act on his behalf, that representative;
      - (c) contain particulars of the grounds on which it is made; and
      - (d) be sent to the clerk to the appeal tribunal.”; and
  - (b) after paragraph (5) there shall be added the following paragraphs—
    - “(6) The time within which an application under this regulation must be made may be extended by a period not exceeding one year where the conditions specified in paragraphs (7) to (11) are satisfied.
    - (7) An application for an extension of time shall be made in accordance with paragraph (3)(b) to (d), shall include details of any relevant special circumstances for the purposes of paragraph (9) and shall be determined by a legally qualified panel member.
    - (8) An application for an extension of time shall not be granted unless the panel member is satisfied that—
      - (a) if the application is granted there are reasonable prospects that the application to set aside will be successful; and
      - (b) it is in the interests of justice for the application for an extension of time to be granted.
    - (9) For the purposes of paragraph (8) it is not in the interests of justice to grant an application for an extension of time unless the panel member is satisfied that—
      - (a) the special circumstances specified in paragraph (10) are relevant to that application; or
      - (b) some other special circumstances exist which are wholly exceptional and relevant to that application,

and as a result of those special circumstances, it was not practicable for the application to set aside to be made within the time limit specified in paragraph (3)(a).

(10) For the purposes of paragraph (9)(a) the special circumstances are that—

- (a) the applicant or a spouse or dependant of the applicant has died or suffered serious illness;
- (b) the applicant is not resident in the United Kingdom; or
- (c) normal postal services were disrupted.

(11) In determining whether it is in the interests of justice to grant an application for an extension of time, the panel member shall have regard to the principle that the greater the amount of time that has elapsed between the expiry of the time within which the application to set aside is to be made and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application for an extension is based.

(12) An application under this regulation for an extension of time which has been refused may not be renewed.”

(19) After regulation 57 there shall be inserted the following regulation—

**“Provisions common to regulations 56 and 57**

**57A.**—(1) In calculating any time specified for appealing to a Commissioner or, as the case may be, a Child Support Commissioner from a decision of an appeal tribunal there shall be disregarded any day falling before the day on which notice was given of a correction of a decision or the record thereof pursuant to regulation 56 or on which notice was given of a determination that a decision shall not be set aside following an application made under regulation 57, as the case may be.

(2) There shall be no appeal against a correction made under regulation 56 or a refusal to make such a correction or against a determination given under regulation 57.

(3) Nothing in this Chapter shall be construed as derogating from any power to correct errors or set aside decisions which is exercisable apart from these Regulations.”

(20) In regulation 58(6) (application for leave to appeal to a Commissioner from an appeal tribunal) after “that member,” there shall be inserted “or if the President considers it necessary or expedient for the purpose of supervising panel members or in the monitoring of decision-making by panel members,”.

(21) In Schedule 1 (decisions against which no appeal lies)—

- (a) in paragraph 5 sub-paragraph (b) shall be omitted; and
- (b) in paragraphs 11 and 17(3) “which embodies a determination” shall be omitted.

(22) After Schedule 2 (qualifications of persons appointed to the panel) there shall be inserted as Schedule 2A the Schedule set out in Schedule 1 to these Regulations.

**Revocations**

7. The Regulations specified in column (1) of Schedule 2 are revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Department for Social Development on 16th June 2000.

L.S.

*John O'Neill*  
Senior Officer of the  
Department for Social Development