

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the 1999 Regulations”), the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001 (“the 2001 Regulations”) and the Tax Credits (Appeals) Regulations (Northern Ireland) 2002 (“the 2002 Regulations”) in respect of appeals to an appeal tribunal and make amendments to the Housing Benefit (General) Regulations (Northern Ireland) 1987 consequential upon or supplementary to the amendment to the Schedule to the 2001 Regulations relating to appeals against decisions about defective claims.

Regulation 3 amends the 1999 regulations to –

- remove the power of appeal tribunals to strike out misconceived appeals (paragraphs (2), (4) and (8));

- provide for a form on which an appellant and parties to proceedings must notify the clerk to the tribunal if they want an oral hearing and give a mandatory right to an oral hearing after such notification unless the appeal is struck out (paragraph (5));

- allow the tribunal clerk to strike out an appeal if an appellant does not give the notification as prescribed (paragraph (6)); and

- confirm that there is a right of appeal against a decision that a benefit claim is defective (paragraph (9)).

Regulation 4 amends the 2001 Regulations in respect of housing benefit appeals to make similar provision to that made by regulation 3 in respect of social security benefit appeals.

Regulation 5 amends the 2002 Regulations in respect of tax credit appeals to make similar provision to that made by regulation 3 in respect of social security benefit appeals.

Regulation 6 makes consequential revocations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.