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## EXPLANATORY NOTE

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

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland) 1986 (“the Prescribed Diseases Regulations”), the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”), the Housing Benefit (General) Regulations (Northern Ireland) 1987 (“the Housing Benefit Regulations”), the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”), the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988 (“the Payments on account, Overpayments and Recovery Regulations”), the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the Decisions and Appeals Regulations”), the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001 (“the Housing Benefit Decisions and Appeals Regulations”) and the Tax Credits (Appeals) Regulations (Northern Ireland) 2002 (“the Tax Credits Regulations”).

Regulation 2 amends the Prescribed Diseases Regulations to provide for the finality of a specified determination necessary to a benefit decision.

Regulation 3 amends the Income Support Regulations consequential upon the amendment made to the Decisions and Appeals Regulations by regulation 7(2)(b).

Regulation 4 amends the Housing Benefit Regulations to make provision similar to that of regulation 33 of the Claims and Payments Regulations as amended by regulation 5(7).

Regulation 5 amends the Claims and Payments Regulations to –

- make further provision in respect of specified benefit claims made to a relevant authority or designated office, the date of claim in relation to different benefits, claims for attendance allowance before existing awards expire, those appointed to act on behalf of a claimant and extinguishment of the right to payment of benefit (paragraphs (2) to (8));

- amend provisions governing payment of disability living allowance in respect of children and beneficiaries who have hired a vehicle and makes a minor amendment in respect of the payment of income support (paragraphs (9) to (11)).

Regulation 6 amends the Payments on account, Overpayments and Recovery Regulations to provide for an interim payment where it is impractical to satisfy national insurance number requirements, the recovery of duplicate payments of benefit from payments of contribution-based jobseeker’s allowance, the recovery of overpayments without prior revision or supersession of the original decision awarding benefit, clarification of the limitations on the right to deduct recoverable overpayments from prescribed benefits.

Regulation 7 amends the Decisions and Appeals Regulations to –

- provide further circumstances in which a decision may be revised or superseded, the date from which such superseding decision takes effect, and in which an appeal lapses, and providing for the time within which an appeal may be brought when a child support maintenance assessment is revised (paragraphs (2) to (8) and (20));

- remove the need for the appellant’s consent to the use of a live television link at an appeal hearing (paragraph 9));

- clarify the time for applying for a revision of a decision, and a statement of reasons for the appeal tribunal’s decision, specify documents which the clerk to the tribunal must preserve, provide for an appeal tribunal to treat a refusal to set aside a decision as an application for

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

a statement of reasons for the decision, make provision for decision notices to be sent by electronic mail and clarify the procedure and time for applying for leave to appeal to a Social Security Commissioner (paragraphs (10) to (18)); and

clarify medical qualifications required for a person to be appointed to the panel of persons who may act as a medically qualified member of an appeal tribunal (paragraph (19)).

Regulation 8 amends the Housing Benefit Decisions and Appeals Regulations in respect of revision and supersession of decisions and appeal procedures to mirror amendments made to the Decisions and Appeals Regulations.

Regulation 9 amends the Tax Credits Regulations to make provision similar to the amendments made to the Decisions and Appeals Regulations in relation to appeals.

Regulation 10 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.