
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 225), the Child Support Commissioners (Procedure) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 226) and the Social Security Commissioners (Procedure) (Tax Credits Appeals) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 18) to provide:

- for service of documents by e-mail [Regulations 2(4)(b), 3(4)(b) and 4(4)(b)];
- for notice to be given where a party receives funding of legal services [Regulations 2(5), 3(5) and 4(5)];
- for people, organisations or their representatives to be present at a hearing by means of a live television link [Regulation 2(11)(b), 3(7), 4(10)]; and
- that, where a refusal to set aside a decision is due to the application to set aside being out of time, the time during which an appeal must be made is not affected [Regulations 2(16)(b), 3(10) and 4(11)].

Regulation 2 also amends the Social Security Commissioners (Procedure) Regulations (Northern Ireland) 1999 to:

- take account of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c.4) which makes provision for appeals against decisions made in connection with claims for housing benefit;
- take account of the Tax Credits Act 2002;
- make express provision for the supersession of decisions on forfeiture; and
- remove a reference to benefits which are no longer appealed through the Social Security Commissioners (i.e. cases concerning statutory sick pay and statutory maternity pay).

Regulation 3 also amends the Child Support Commissioners (Procedure) Regulations (Northern Ireland) 1999 to:

- prescribe other people, in addition to an appeal chairman, who may grant leave to appeal to the Child Support Commissioners; and
- provide that the time for applying to a chairman for leave to appeal to the Child Support Commissioners does not take account of any time before an error was corrected or before a decision not to set aside (unless because the application to set aside was made out of time).

Regulation 4 also amends the Social Security Commissioners (Procedure) (Tax Credits Appeals) Regulations (Northern Ireland) 2003 to:

- clarify which provisions in Part II (Applications for leave to appeal and appeals) apply to penalty proceedings;
- provide that details concerning leave to appeal are only included in the notice of appeal where applicable, i.e. in all cases apart from those involving penalty proceedings; and
- to provide for time limits within which an appellant must commence the appeal.

Regulation 5 makes minor amendments to the Social Security Commissioners (Procedure) (Child Trust Funds) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 164).