
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 392

**The Social Security (Miscellaneous Amendments
No. 4) Regulations (Northern Ireland) 2007**

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

3.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999⁽¹⁾ are amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) in the definition of “incapacity benefit decision”⁽²⁾ at the end add “or an award of long term incapacity benefit under regulation 17(1) of the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995⁽³⁾”.

(3) In regulation 3 (revision of decisions)—

(a) in paragraph (5)⁽⁴⁾—

(i) in sub-paragraph (b) after “sub-paragraph (c)” insert “or (d),”;

(ii) in sub-paragraph (c) at the beginning insert “subject to sub-paragraph (d),”;

(iii) after sub-paragraph (c) add—

“or

(d) where the decision is a disability benefit decision, or is an incapacity benefit decision, which was made in ignorance of, or was based upon a mistake as to, some material fact not in relation to the incapacity or disability determination embodied in or necessary to the incapacity benefit decision or disability benefit decision, and as a result of that ignorance of, or mistake as to, that fact, the decision was more advantageous to the claimant than it would otherwise have been but for the ignorance or mistake;”;

(b) after paragraph (5A)⁽⁵⁾ insert—

“(5B) A decision by the Department under Article 9 or 11 awarding incapacity benefit may be revised at any time if—

(a) it incorporates a determination that the condition in regulation 28(2)(b) of the Incapacity for Work Regulations⁽⁶⁾ is satisfied;

(b) the condition referred to in sub-paragraph (a) was not satisfied at the time when the further claim was first determined; and

(c) there is a period before the award which falls to be decided.”.

(1) [S.R. 1999 No. 162](#); relevant amending Regulations are [S.R. 1999 No. 267](#), [S.R. 2000 No. 215](#), [S.R. 2002 No. 189](#), [S.R. 2003 No. 191](#) and [S.R. 2006 No. 365](#)

(2) The definition of “incapacity benefit decision” was inserted by regulation 2(2)(b) of [S.R. 1999 No. 267](#) and amended by regulation 6(2)(b) of [S.R. 2000 No. 215](#)

(3) [S.R. 1995 No. 35](#)

(4) Paragraph (5) was amended by regulation 2(3) of [S.R. 1999 No. 267](#)

(5) Paragraph (5A) was inserted by regulation 2(3)(c) [S.R. 2002 No. 189](#)

(6) Regulation 28 was amended by regulation 4(10) of [S.R. 1995 No. 149](#), regulation 4(9) of [S.R. 1996 No. 601](#) and regulation 2(14) of [S.R. 2000 No. 4](#)

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2007, Section 3. (See end of Document for details)

^{F1}(4)

(5) In paragraph 6 of Schedule 2B(7) (date on which change of circumstances takes effect where a claimant is entitled to state pension credit) for “1975” substitute “2005”.

Textual Amendments

F1 [Reg. 3\(4\)](#) revoked (19.5.2008) by [The Social Security \(Miscellaneous Amendments No. 2\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/179\)](#), regs. 1(1), **6(b)**

Commencement Information

I1 [Reg. 3](#) in operation at 24.9.2007, see [reg. 1](#)

(7) [Schedule 2B](#) was inserted by regulation 22 of [S.R. 2003 No. 191](#)

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2007, Section 3.