



# Social Security Administration (Northern Ireland) Act 1992

## CHAPTER 8

### SOCIAL SECURITY ADMINISTRATION (NORTHERN IRELAND) ACT 1992

#### PART I

##### CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

###### *Necessity of claim*

- 1 Entitlement to benefit dependent on claim.
- 2 Retrospective effect of provisions making entitlement to benefit dependent on claim.

###### *Work-focused interviews and work-related activity*

- 2A Claim or full entitlement to certain benefits conditional on work-focused interview.
- 2AA Full entitlement to certain benefits conditional on work-focused interview for partner
- 2B Supplementary provisions relating to work-focused interviews.
- 2C Optional work-focused interviews.
- 2D Work-related activity
- 2E Action plans in connection with work-focused interviews
- 2F Directions about work-related activity
- 2G Contracting-out
- 2H Good cause for failure to comply with regulations

*Status: Point in time view as at 22/07/2020.*

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### *Bereavement benefits*

- 3 Late claims for bereavement benefit where death is difficult to establish.
- 4 Treatment of payments of benefit to certain widows.

### *Claims and payments regulations*

- 5 Regulations about claims for and payments of benefit.

### *Sharing of functions as regards certain claims and information*

- 5A Sharing of functions as regards certain claims and information.
- 5B Use of social security information

### *Industrial injuries benefit*

- 6 Notification of accidents, etc.
- 7 Medical examination and treatment of claimants.
- 8 Obligations of claimants.

### *Disability working allowance*

- 9 Initial claims and repeat claims.

### *The social fund*

- 10 Necessity of application for certain payments.

### *Health in pregnancy grant*

- 10A Necessity of application for health in pregnancy grant

### *Child benefit*

- 11 Necessity of application for child benefit.
- 11A Election not to receive child benefit

### *Statutory sick pay*

- 12 Duties of employees etc. in relation to statutory sick pay.

### *Statutory maternity pay*

- 13 Duties of women etc. in relation to statutory maternity pay.

### *Payments in respect of mortgage interest, etc.*

- 13A Payment out of benefit of sums in respect of mortgage interest, etc.
- 13B Expenses in respect of vehicle hire, etc.

### *Emergency payments*

- 14 Emergency payments by Health and Social Services Boards and other bodies.

## **PART II**

### **ADJUDICATION**

*Status: Point in time view as at 22/07/2020.*

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### *Adjudication by the Department*

- 15 Questions for the Department.
- 16 Appeal on question of law.
- 17 Review of decisions.

### *Adjudication by adjudication officers*

- 18 Claims and questions to be submitted to adjudication officer.
- 19 Decision of adjudication officer.

### *Appeals from adjudication officers - general*

- 20 Appeal to social security appeal tribunal.
- 21 Appeal from social security appeal tribunal to Commissioner.
- 22 Appeal from Commissioners on point of law.

### *Reviews - general*

- 23 Review of decisions.
- 24 Procedure for reviews.
- 25 Reviews under s. 23 - supplementary.
- 26 Appeals following reviews or refusals to review.
- 27 Review after claimant appeals.

### *Attendance allowance, disability living allowance and disability working allowance*

- 28 Reviews of decisions of adjudication officers.
- 29 Further reviews.
- 30 Reviews of decisions as to attendance allowance, disability living allowance or disability working allowance - supplementary.
- 31 Appeals following reviews.
- 32 Appeal from social security appeal tribunals or disability appeal tribunals to Commissioners and appeals from Commissioners.
- 33 Reviews of decisions on appeal.

### *Questions first arising on appeal*

- 34 Questions first arising on appeal.

### *Reference of special questions*

- 35 Reference of special questions.

### *Adjudication officers and the Chief Adjudication Officer*

- 36 Adjudication officers.
- 37 The Chief Adjudication Officer.

### *Social security appeal tribunals*

- 38 Panels for appointment to social security appeal tribunals.
- 39 Constitution of social security appeal tribunals.

### *Disability appeal tribunals*

- 40 Panels for appointment to disability appeal tribunals.
- 41 Constitution of disability appeal tribunals.

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*Adjudication in relation to industrial injuries and disablement benefit*

- 42 Declaration that accident is an industrial accident.
- 43 Disablement questions.
- 44 Medical appeals and references.
- 45 Review of medical decisions.
- 46 Appeal etc. on question of law to Commissioner.

*Adjudicating medical practitioners and medical appeal tribunals*

- 47 Adjudicating medical practitioners.
- 48 Constitution of medical appeal tribunals.

*The President and chairmen of tribunals*

- 49 The President of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals and chairmen.

*Social Security Commissioners*

- 50 Appointment of Commissioners.

*References to medical practitioners, the Disability Living Allowance Advisory Board etc.*

- 51 Power of adjudicating authorities to refer matters to experts.
- 52 Claims relating to attendance allowance, disability living allowance and disability working allowance.
- 53 Medical examination etc. in relation to appeals to disability appeal tribunals.

*Determination of questions of special difficulty*

- 54 Assessors.
- 55 Tribunal of 2 or 3 Commissioners.

*Medical examinations*

- 55A Medical examinations of persons awarded attendance allowance or disability living allowance.

*Regulations*

- 56 Regulations as to determination of questions and matters arising out of, or pending, reviews and appeals.
- 57 Procedure.
- 58 Finality of decisions.
- 59 Regulations about supplementary matters relating to determinations.

*Incapacity for work*

- 59A Adjudication: incapacity for work.

*Industrial diseases*

- 60 Adjudication as to industrial diseases.

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### *Housing benefit*

61 Adjudication.

*Social fund officers and inspectors and the social fund Commissioner*

62 Social fund officers.

63 The social fund Commissioner and inspectors.

64 Reviews.

### *Christmas bonus*

65 Determination of questions.

*Restrictions on entitlement to benefit following erroneous decision*

66 Restrictions on entitlement to benefit in certain cases of error.

67 Determination of questions on review following erroneous decisions.

### *Correction of errors*

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69ZA Overpayments out of the social fund.

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69ZC Deduction from benefit

69ZD Deduction from earnings

69ZE Court action etc.

69ZF Adjustment of benefit

69ZG Recovery of payments on account

69ZH Recovery of hardship payments etc.

#### *Jobseeker's Allowance*

69A Recovery of jobseeker's allowance: severe hardship cases.

70 Special provision as to recovery of income support.

#### *Adjustments of benefits*

71 Overlapping benefits - general.

72 Income support and other payments.

72A Payment of benefit where maintenance payments collected by Department.

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73 Overpayments of housing benefit.

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#### *Social fund awards*

- 74 Recovery of social fund awards.

#### *Great Britain payments*

- 75 Recovery of Great Britain payments.

#### *Adjustment of child benefit*

- 76 Child benefit - overlap with benefits under legislation of other member States.

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- 77 Interpretation of Part IV.

#### *Recovery from damages, etc. of sums equivalent to benefit*

- 78 Recovery of sums equivalent to benefit from compensation payments in respect of accidents, injuries and diseases.

#### *Payments, deductions and certificates*

- 79 Time for making payment to Department.  
80 The certificate of total benefit.  
81 Exemption from deduction in cases involving small payments.  
82 Multiple compensation payments.  
83 Collaboration between compensators.  
84 Structured settlements.  
85 Insolvency.  
86 Protection of legal aid charges.  
87 Overpaid benefits.  
88 Death.  
89 Payments into court.

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- 90 Provision of information.  
91 Applications for certificates of total benefit.  
92 Liability of compensator unenforceable if certificate not issued within time limit.  
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94 Appeals.  
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96 Recovery of relevant payment in cases of default.

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98 Interest on damages: reductions in respect of relevant payments.  
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- 103B Power to require information
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- 104 Appointment and powers of inspectors.
- 104ZA Class 1, 1A, 1B or 2 contributions: powers to call for documents etc
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- 104AA Power of Housing Executive to require electronic access to information
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- 105A Dishonest representations for obtaining benefit etc.
- 106 False representations for obtaining benefit etc.
- 107 Breach of regulations.
- 107A Statutory sick pay and statutory maternity pay: breach of regulations
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- 108 Offences relating to contributions.
- 108A Penalties relating to contributions.
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- 109A Penalty as alternative to prosecution.
- 109B Penalty as alternative to prosecution: colluding employers, etc.

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- 115CA Interpretation of Part VI

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- 115E Supply to Inland Revenue for purposes of contributions, etc. of information held by Department or Secretary of State.

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- 116 Supply of information held by tax authorities for fraud prevention and verification.
- 116ZA Supply of tax information to assess certain employment or training schemes
- 116AA Disclosure of contributions, etc. information by Her Majesty's Revenue and Customs .
- 116A Supply of information by Inland Revenue for purposes of contributions.

*Other government information*

- 116B Supply of other government information for fraud prevention and verification.

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- 116C Supply of information to the Housing Executive.
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### *Statutory maternity pay and other benefits*

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- 124 Duties of employers - statutory maternity pay and claims for other benefits.

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- 128B Powers of investigation.
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- 128DA Directions: variations and revocation
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- 130 Revaluation of earnings factors.
- 130A Revaluation of low earnings threshold
- 130AA Revaluation of flat rate accrual amount
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- 130AD Revaluation of new state scheme pension debits and credits
- 131 Statutory sick pay - power to alter limit for small employers' relief.

#### *Review and alteration of benefits*

- 132 Annual up-rating of benefits.
- 132A Annual up-rating of basic pension etc. and standard minimum guarantee
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- 133 Rectification of mistakes in up-rating orders.
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### COMPUTATION OF BENEFITS

- 135 Effect of alteration of rates of benefit under Parts II to V of Contributions and Benefits Act.
- 135A Power to anticipate pensions up-rating order.
- 136 Up-rating under section 132 of pensions increased under section 52(3) of Contributions and Benefits Act.
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- 138 Treatment of excess benefit as paid on account of child benefit.
- 139 Effect of alteration in the component rates of income support.
- 139A Effect of alteration of rates of a jobseeker's allowance.
- 139B Effect of alterations affecting state pension credit
- 139C Effect of alteration of rates of an employment and support allowance
- 139D Effect of alterations affecting universal credit
- 139E Effect of alteration of rates of personal independence payment
- 140 Implementation of increases in income support due to attainment of particular ages.
- 140A Implementation of increases in income-based jobseeker's allowance due to attainment of particular ages.
- 140B Implementation of increases in employment and support allowance due to attainment of particular ages

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- 142 Destination of contributions.
- 143 General financial arrangements.
- 144 Destination of repayments, etc.
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- 146 The social fund.
- 147 Allocations from social fund.
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- 149 Functions of Social Security Advisory Committee in relation to legislation and regulations.
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- 152 The Disability Living Allowance Advisory Board.

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### *Co-ordination*

153 Co-ordination with Great Britain.

### *Reciprocity*

- 154 Reciprocal arrangements with Great Britain - income-related benefits and child benefit.  
155 Reciprocal agreements with countries outside the United Kingdom.  
155A Exchange of information with overseas authorities

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### *Travelling expenses*

- 156 Payment of travelling expenses by Department.  
156A Payment of travelling expenses by the Commissioners of Inland Revenue

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- 157 Impersonation of officers.  
158 Illegal possession of documents.

### *Redirection of post*

- 158A Return of social security post.  
158B Requirement to supply information about redirection of post.

### *National insurance numbers*

- 158C Requirement to apply for national insurance number.

### *Industrial injuries and diseases*

- 159 Research on industrial injuries, etc.  
160 Control of pneumoconiosis.

### *Workmen's compensation, etc.*

- 161 Administration of workmen's compensation etc.

### *Supplementary benefit etc.*

- 162 Application of provisions of Act to supplementary benefit, etc.

### *Miscellaneous*

- 163 Certain benefit to be inalienable.  
164 Exemption from stamp duty.

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### *Subordinate legislation*

- 165 Regulations and orders - general.

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166 Assembly, etc. control of orders and regulations.

*Supplementary*

167 Interpretation.

168 Short title, commencement and extent.

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Social Security Administration (Northern Ireland) Act 1992  
SCHEDULE 1 — CLAIMS FOR BENEFIT MADE OR TREATED BEFORE 1ST  
OCTOBER 1990

*Claims made or treated as made on or after 2nd  
September 1985 and before 19th November 1986*

1 Section 1 above shall have effect in relation to a...

*Claims made or treated as made on or after 19th November 1986 and before 6th April 1987*

2 Section 1 above shall have effect in relation to a...

*Claims made or treated as made on or after 6th April 1987 and before 23rd August 1989*

3 Section 1 above shall have effect in relation to a...

*Claims made or treated as made on or after 23rd August 1989 and before 14th August 1990*

4 Section 1 above shall have effect in relation to a...

*Claims made or treated as made on or after 14th August 1990 and before 1st October 1990*

5 Section 1 above shall have effect in relation to a...

SCHEDULE 2 — COMMISSIONERS – SUPPLEMENTARY PROVISIONS

*Tenure of offices*

1 (1) Subject to the following provisions of this paragraph, the...

2 Part-time chairmen of such tribunals shall hold and vacate office...

*Remuneration etc. for President and chairmen*

3 [(1)]The Department may pay, or make such payments towards...

*Officers and staff*

4 The President may appoint such officers and staff as he...

*Clerks to social security appeal tribunals and disability appeal tribunals*

5 (1) The President shall assign a clerk to service the...

*Miscellaneous administrative duties of President*

6 It shall be the duty of the President—

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*Remuneration etc.*

- 7 The Lord Chancellor shall pay to a Commissioner such salary...
- 8 (1) The Department may pay— (a) to any person specified...

*Certificates of decisions*

- 9 A document bearing a certificate which— (a) is signed by...

SCHEDULE 3 — REGULATIONS AS TO PROCEDURE

*Interpretation*

- 1 In this Schedule “ competent tribunal ” means—

*Provision which may be made*

- 2 Provision prescribing the procedure to be followed in connection with...
- 3 Provision as to the striking out of proceedings for want...
- 4 Provision as to the form which is to be used...
- 5 Provision as to the time to be allowed—
- 6 Provision as to the manner in which, and the time...
- 7 Provision for summoning persons to attend and give evidence or...
- 8 Provision for authorising a competent tribunal consisting of two or...
- 9 Provision for giving the chairman of a competent tribunal consisting...
- 10 Provision empowering the chairman of a social security appeal tribunal,...
- 11 Provision for the non-disclosure to a person of the particulars...
- 12 Provision for requiring or authorising the Department to hold, or...

SCHEDULE 3A — Health in pregnancy grant: Civil penalty for fraud, etc.

*Penalty*

- 1 (1) This paragraph applies where a person fraudulently or negligently —...

*Appeal*

- 2 (1) A person on whom a penalty is imposed under...

*Mitigation*

- 3 The Commissioners for Her Majesty's Revenue and Customs may mitigate...

*Time limit*

- 4 (1) The Commissioners for Her Majesty's Revenue and Customs may...

*Recovery*

- 5 A penalty payable under this Schedule is to be treated...

SCHEDULE 4 — PERSONS EMPLOYED IN SOCIAL SECURITY  
ADMINISTRATION OR ADJUDICATION

Part I — THE SPECIFIED PERSONS

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### *Government departments*

A civil servant in— (a) the Department; (b) the Department...

...

...

### *The Housing Executive etc.*

A member, officer or employee of the Housing Executive.

A person authorised to exercise any function of the Housing...

A person authorised under section 128A(1) of this Act to...

### *Adjudication officers*

The Chief Adjudication Officer.

An adjudication officer.

### *Adjudicating bodies*

The clerk to, or other officer or member of the...

*The Disability Living Allowance Advisory Board for Northern Ireland*

...

...

...

...

...

...

### *The social fund*

The social fund Commissioner.

A social fund officer.

A social fund inspector.

A member of any staff employed in connection with the...

### *Discretionary support officers*

The discretionary support Commissioner.

A discretionary support inspector.

A member of any staff appointed under Article 136(3)(b) of...

### *Former statutory bodies*

An officer or other member of the staff of— (a)...

A benefit officer.

An insurance officer.

A supplement officer.

A Chief Adjudication Officer.

An adjudication officer.

A social fund officer.

The social fund Commissioner.

A social fund inspector.

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A member of any staff employed in connection with the...  
A clerk to, or other officer or member of the...  
A member of, or an officer or servant of, the...

Part II — CONSTRUCTION OF REFERENCES TO GOVERNMENT  
DEPARTMENTS ETC.

- 1 (1) The reference in Part I of this Schedule to...
- 2 The reference in Part I of this Schedule to the...
- 3 The reference in Part I of this Schedule to the...
- 4 .....

SCHEDULE 5 — REGULATIONS NOT REQUIRING PRIOR SUBMISSION TO  
SOCIAL SECURITY ADVISORY COMMITTEE

*Personal independence payment*

- A1 Regulations under Article 83(3) or 84(3) of the Welfare Reform...

*Disability living allowance*

- 1 Regulations under section 72(3) or 73(10) of the Contributions and...

*Industrial injuries*

- 2 Regulations relating only to industrial injuries benefit.

*Up-rating, etc.*

- 3 Regulations which state that they contain only provisions in  
consequence...

*Benefit cap*

- 3A Regulations under Article 101A of the Welfare Reform (Northern  
Ireland)...

*Earnings limits*

- 4 Regulations which state that they only contain regulations to make...

*Married women and widows—reduced rate contributions*

- 5 .....

*Child benefit*

- 6 Regulations prescribing the rate or any of the rates of...  
7 Regulations varying social security benefits following an increase of  
the...

*Statutory maternity pay and statutory sick pay*

- 8 Regulations under section 154 or 163 of the Contributions and...

*Consolidation, etc.*

- 9 Regulations made for the purpose only of consolidating other  
regulations...

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- 10 Regulations making only provision corresponding to provision contained in regulations...

SCHEDULE 5A — Regulations not requiring prior submission to Industrial Injuries Advisory Council

- 1 Regulations under section 120(1)(b) of the Contributions and Benefits Act....
- 2 Regulations which state that they contain only provisions in consequence...
- 3 Regulations made within a period of 6 months from the...
- 4 Regulations which state that they contain only regulations making with...
- 5 Regulations which state that the only provision with respect to...
- 6 Regulations made for the purpose only of consolidating other regulations...
- 7 Regulations making only provision corresponding to provision contained in regulations...

SCHEDULE 6 — OLD CASES PAYMENTS ADMINISTRATION

*Provisions ancillary to paragraph 2 of Schedule 8 to Contributions and Benefits Act*

- 1 (1) The provisions of this paragraph shall have effect with...

*Adjustment of benefit in certain cases*

- 2 (1) Regulations under paragraph 2 of Schedule 8 to the...

*Overpayments*

- 3 Regulations under paragraph 2 of Schedule 8 to the Contributions...

SCHEDULE 7 — SUPPLEMENTARY BENEFITS, ETC.

*Claims and payments*

- 1 (1) Section 5 above shall have effect in relation to...

*Adjudication*

- 2 (1) Articles 9 to 18, 29 to 31 and 39...

*Overpayments etc.*

- 3 (1) Section 69 above shall have effect in relation to...

*Inspection*

- 4 Part VI of this Act shall have effect as if...

*Legal proceedings*

- 5 Section 110 above shall have effect as if any reference...

— TABLE OF DERIVATIONS

Note:

1. Abbreviations used in this Table are the same as...



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2. The Table does not acknowledge the general changes made...
3. The Table does not contain any entries in respect...
4. The Table does not contain any entries for Transfer...

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