1987 No. 325

SOCIAL SECURITY

The Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1987

Made	*12th August 1987*
Coming into operation . .	*1st September 1987*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 104(5)(*b*) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, by this statutory rule which is made before the end of a period of 12 months from the commencement of the statutory provision under which it is made, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Adjudication) (Amendment) Regulations (Northern Ireland) 1987 and shall come into operation on 1st September 1987.

(2) In these regulations "the principal regulations" means the Social Security (Adjudication) Regulations (Northern Ireland) 1987(**b**).

(3) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the principal regulations

2.—(1) Regulation 72 of the principal regulations (exemption from limitations on payment of arrears of benefit) shall be amended in accordance with paragraphs (2) and (3).

(2) At the beginning of regulation 72 there shall be inserted "(1) Subject to paragraph (2),".

(3) After paragraph (1) there shall be added the following paragraph—

"(2) This regulation shall not apply to a review of a decision by an adjudication officer, or on a reference by an adjudication officer, by an appeal tribunal, where the ground for review is that the decision was erroneous in point of law by virtue of a determination by a Commissioner, the High Court, Her Majesty's High Court of Justice in England, the Court of Appeal, Her Majesty's Court of Appeal in England, the Court of Session, the House of Lords or the Court of Justice of the European Communities given subsequent to the decision.".

(**a**) 1975 c. 15; section 104(5)(*b*) was added by paragraph 9(*d*) of Schedule 5 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))
(**b**) S.R. 1987 No. 82, to which there are amendments not relevant to these regulations
(**c**) 1954 c. 33 (N.I.)

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 12th August 1987.

(L.S.) *A. N. Burns*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend regulation 72 of the Social Security (Adjudication) Regulations (Northern Ireland) 1987 by imposing limitations on the payment of arrears of benefit where a decision is reviewed in consequence of a determination made by a Social Security Commissioner, or by other appellate bodies.

The regulations are made under section 104(5)(*b*) of the Social Security (Northern Ireland) Act 1975 which was added by paragraph 9(*d*) of Schedule 5 to the Social Security (Northern Ireland) Order 1986 and came into operation on 6th April 1987 by virtue of the Social Security (1986 Order) (Commencement No. 2) Order (Northern Ireland) 1987 (S.R. 1987 No. 20 (C. 2)). Since the said section 104(5)(*b*) has not yet been in operation for a period of 12 months, the regulations are exempt, by virtue of Article 62(5) of the Social Security (Northern Ireland) Order 1986 from reference to the Social Security Advisory Committee and have not been so referred.

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Road Races (Craigantlet Hill Climb) Order (Northern Ireland) 1987

This Order, being of a temporary character, is not printed at length in this volume.