



# Social Security Act 1986

## 1986 CHAPTER 50

### PART VI

#### COMMON PROVISIONS

##### *Administration*

#### **52 Adjudication**

- (1) Part I of Schedule 5 to this Act (which makes amendments of enactments relating to social security adjudications) shall have effect.
- (2) The questions to which section 93(1) of the Social Security Act 1975 (questions for determination by the Secretary of State) applies shall include any question specified in Part II of that Schedule.
- (3) Subject to subsections (7) and (8) below, the following provisions of the Social Security Act 1975 shall have effect for the purposes of the benefits to which this subsection applies as they have effect for the purposes of benefit under that Act—
  - (a) sections 97 to 104 and 116 (adjudication officers, tribunals and Commissioners);
  - (b) section 114 (regulations as to determination of questions) ;
  - (c) section 115(1) and (2) and (4) to (7) and Schedule 13 (procedure);
  - (d) section 117(1) and (2) (finality of decision);
  - (e) section 119 (regulations in connection with adjudications) ; and
  - (f) section 160 (age, marriage and death).
- (4) Procedure regulations made under section 115 of the Social Security Act 1975 by virtue of subsection (3) above may make different provision in relation to each of the benefits to which subsection (3) above applies.
- (5) Section 148(1) of the Social Security Act 1975 (determinations of Secretary of State to be final) shall have effect in relation to offences under Part I of the Social Security

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and Housing Benefits Act 1982 and offences under this Act as it has effect in relation to offences under the Social Security Act 1975.

- (6) Subsection (3) above applies to the following benefits—
- (a) child benefit;
  - (b) statutory sick pay ;
  - (c) statutory maternity pay ;
  - (d) income support;
  - (e) family credit;
- and any social fund payments such as are mentioned in section 32(2)(a) above.
- (7) In their application to statutory sick pay and statutory maternity pay the provisions of the Social Security Act 1975 mentioned in subsection (3) above shall have effect as if—
- (a) the following subsection were substituted for section 98(1)—
    - “(1) Any question as to, or in connection with, entitlement to statutory sick pay or statutory maternity pay may be submitted to an adjudication officer—
      - (a) by the Secretary of State ; or
      - (b) subject to and in accordance with regulations, by the employee concerned,    - for determination in accordance with sections 99 to 104 below.”:
  - (b) in section 99(3), for the words " notice in writing of the reference shall be given to the claimant" there were substituted the words " the employee and employer concerned shall each be given notice in writing of the reference. " ;
  - (c) in section 100—
    - (i) in subsection (1), for the words " claimant may " there were substituted the words " employee and employer concerned shall each have a right to " ;
    - (ii) in subsection (2), for the words " claimant shall" there were substituted the words " employee and employer concerned shall each " ; and
    - (iii) subsection (7) were omitted ; and
  - (d) the following subsection were substituted for section 101(2) to (4)—
    - “(2) The persons at whose instance an appeal lies under this section are—
      - (a) an adjudication officer;
      - (b) the employee concerned ;
      - (c) the employer concerned ;
      - (d) a trade union, or any other association which exists to promote the interests and welfare of its members, where—
        - (i) the employee is a member at the time of the appeal and was so immediately before the question at issue arose; or
        - (ii) the question at issue is a question as to or in connection with entitlement of a deceased person who was at death a member;

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- (e) an association of employers of which the employer is a member at the time of the appeal and was so immediately before the question at issue.”.
- (8) In its application to family credit section 104(1)(b) of the Social Security Act 1975 shall have effect subject to section 20(6) above.