

SCHEDULES

SCHEDULE 3

ADJUDICATION

Procedure on determination of claims or questions

2 At the end of section 99 of that Act (decision of adjudication officer) there shall be added—

“(4) Where—

- (a) a case has been referred to a social security appeal tribunal (“the tribunal”), and
- (b) the claimant makes a further claim which raises the same or similar questions, and
- (c) that further claim is referred to the tribunal by the adjudication officer,

then the tribunal may proceed to determine the further claim whether or not notice of its reference has been given to the claimant under subsection (3) above.”

3 (1) After section 115 of that Act there shall be inserted—

“115A Power of adjudicating authorities to refer matters to experts

- (1) An authority to which this section applies may refer any question of special difficulty arising for decision by the authority to one or more experts for examination and report.
- (2) The authorities to which this section applies are—
 - (a) an adjudication officer;
 - (b) an adjudicating medical practitioner, or two or more such practitioners acting together;
 - (c) a specially qualified adjudicating medical practitioner appointed by virtue of section 113 above, or two or more such practitioners acting together;
 - (d) a social security appeal tribunal;
 - (e) a medical appeal tribunal;
 - (f) the Attendance Allowance Board;
 - (g) a Commissioner;
 - (h) the Secretary of State.
- (3) Regulations may prescribe cases in which a Commissioner shall not exercise the power conferred by subsection (1) above.

Status: This is the original version (as it was originally enacted).

- (4) In this section “expert” means a person appearing to the authority to have knowledge or experience which would be relevant in determining the question of special difficulty.

115B Assessors

- (1) Where it appears to an authority to which this section applies that a matter before the authority involves a question of fact of special difficulty, then, unless regulations otherwise provide, the authority may direct that in dealing with that matter they shall have the assistance of one or more assessors.
- (2) The authorities to which this section applies are—
- (a) two or more adjudicating medical practitioners acting together;
 - (b) two or more specially qualified adjudicating medical practitioners, appointed by virtue of section 113 above, acting together;
 - (c) a social security appeal tribunal;
 - (d) a medical appeal tribunal;
 - (e) the Attendance Allowance Board;
 - (f) a Commissioner;
 - (g) the Secretary of State.”
- (2) The following provisions of that Act (which enable certain adjudicating authorities to refer matters to medical practitioners or to have the assistance of assessors and which are superseded by sub-paragraph (1) above) shall cease to have effect—
- (a) section 101(6) and (7);
 - (b) paragraph 4 of Schedule 11;
 - (c) paragraphs 8 and 9 of Schedule 13.
- 4 In Schedule 13 to that Act, in paragraph 1 (procedure to be followed in connection with determination of claims and questions by Secretary of State etc) after the words “Secretary of State” there shall be inserted the words “, an adjudication officer”.