



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART II

#### ADJUDICATION

##### *Regulations*

#### **58 Regulations as to determination of questions and matters arising out of, or pending, reviews and appeals**

- (1) Subject to the provisions of this Act, provision may be made by regulations for the determination—
  - (a) by the Secretary of State; or
  - (b) by a person or tribunal appointed or constituted in accordance with the regulations,of any question arising under or in connection with the Contributions and Benefits Act or the former legislation, including a claim for benefit.
- (2) In this section “the former legislation” means the National Insurance Acts 1965 to 1974 and the National Insurance (Industrial Injuries) Acts 1965 to 1974 and the 1975 Act and Part II of the 1986 Act.
- (3) Regulations under subsection (1) above may modify, add to or exclude any provisions of this Part of this Act, so far as relating to any questions to which the regulations relate.
- (4) It is hereby declared for the avoidance of doubt that the power to make regulations under subsection (1) above includes power to make regulations for the determination of any question arising as to the total or partial recoupment of unemployment benefit in pursuance of regulations under section 132 of the Employment Protection (Consolidation) Act 1978 (including any decision as to the amount of benefit).
- (5) Regulations under subsection (1) above may provide for the review by the Secretary of State of decisions on questions determined by him.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The Lord Chancellor may by regulations provide—
- (a) for officers authorised—
    - (i) by the Lord Chancellor; or
    - (ii) in Scotland, by the Secretary of State,  
to determine any question which is determinable by a Commissioner and which does not involve the determination of any appeal, application for leave to appeal or reference;
  - (b) for the procedure to be followed by any such officer in determining any such question;
  - (c) for the manner in which determinations of such questions by such officers may be called in question.
- (7) A determination which would have the effect of preventing an appeal, application for leave to appeal or reference being determined by a Commissioner is not a determination of the appeal, application or reference for the purposes of subsection (6) above.
- (8) Regulations under subsection (1) above may provide—
- (a) for the reference to the High Court or, in Scotland, the Court of Session for decision of any question of law arising in connection with the determination of a question by the Secretary of State; and
  - (b) for appeals to the High Court or Court of Session from the decision of the Secretary of State on any such question of law;
- and subsections (5) to (7) of section 18 above shall apply to a reference or appeal under this subsection as they apply to a reference or appeal under subsections (1) to (3) of that section.