



# Social Security Act 1998

## 1998 CHAPTER 14

### PART I

#### DECISIONS AND APPEALS

#### CHAPTER I

#### GENERAL

#### *Appeals*

#### <sup>F1</sup> Unified appeal tribunals

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#### Textual Amendments

**F1** S. 4 omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 144](#)

#### <sup>F25</sup> President of appeal tribunals

- (1) The Lord Chancellor may, after consultation with the Lord Advocate, appoint a President of appeal tribunals.
- (2) A person is qualified to be appointed President if—
  - <sup>F3</sup>(a) he satisfies the judicial-appointment eligibility condition on a 7-year basis; or]
  - (b) he is an advocate or solicitor in Scotland of at least [<sup>F47</sup>] years' standing.
- (3) Schedule 1 to this Act shall have effect for supplementing this section.]

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### Textual Amendments

- F2** S. 5 omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), arts. 1(1)(5), **Sch. 3 para. 145**
- F3** S. 5(2)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 29(2)(a)**; S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F4** Figure in s. 5(2)(b) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 29(2)(b)**; S.I. 2008/1653, art. 2(d) (with arts. 3, 4)

### Modifications etc. (not altering text)

- C1** Ss. 5-7 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), **5**
- C2** S. 5(1): functions of Lord Advocate transferred (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\)](#), arts. 1, 2(1), **Sch.**
- C3** S. 5(1): functions treated as exercisable in or as regards Scotland (30.6.1999) by [The Scotland Act 1998 \(Functions Exercisable in or as Regards Scotland\) Order 1999 \(S.I. 1999/1748\)](#), arts. 1, 3, **Sch. 1 para. 19**
- C4** S. 5(1): functions transferred in relation to Scotland (1.7.1999) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 1999 \(S.I. 1999/1750\)](#), arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, art. 3

### Commencement Information

- I1** S. 5 in force at 1.6.1999 by S.I. 1999/1510, **art. 2(c)** (with arts. 48-51)
- I2** S. 5 in force at 29.11.1999 for further specified purposes by S.I. 1999/3178, **art. 2(1)(b)** (with art. 4, Schs. 21-23)
- I3** S. 5(3) in force at 31.3.2000 for further specified purposes by S.I. 1999/3178, **art. 2(3)** (with art. 4, Schs. 21-23)

## [<sup>F5</sup>6 Panel for appointment to appeal tribunals

- (1) The Lord Chancellor shall constitute a panel of persons to act as members of appeal tribunals.
  - (2) Subject to subsection (3) below, the panel shall be composed of [<sup>F6</sup>persons appointed by the Lord Chancellor].
  - (3) The panel shall include persons possessing such qualifications as may be prescribed by regulations made with the concurrence of the Lord Chancellor.
- [<sup>F7</sup>(3A) As part of the selection process for the appointment of a medical practitioner as a member of the panel, the Judicial Appointments Commission shall consult the Chief Medical Officer.]
- (4) The numbers of persons appointed to the panel, and the terms and conditions of their appointments, shall be determined by the Lord Chancellor with the consent of the Secretary of State.
  - (5) A person may be removed from the panel by the Lord Chancellor on the ground of incapacity or misbehaviour[<sup>F8</sup>], but the Lord Chancellor may remove such a person only with the concurrence of the appropriate senior judge].

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[<sup>F9</sup>(5A) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the person to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session.]

- (6) In this section “the Chief Medical Officer” means—
- (a) in relation to England, the Chief Medical Officer of the Department of Health;
  - (b) in relation to Wales, the Chief Medical Officer of the Welsh Office; and
  - (c) in relation to Scotland, the Chief Medical Officer of the [<sup>F10</sup>Scottish Administration].]

#### Textual Amendments

- F5** S. 6 omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 146**
- F6** Words in s. 6(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 272(2)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F7** S. 6(3A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 272(3)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F8** Words in s. 6(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 272(4)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F9** S. 6(5A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 272(5)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F10** Words in s. 6(6)(c) substituted (1.7.1999) by [The Scotland Act 1998 \(Consequential Modifications\) \(No.1\) Order 1999 \(S.I. 1999/1042\)](#), art. 1(2)(c), **Sch. 3 Pt. I para. 4**; S.I. 1998/3178, art. 3

#### Modifications etc. (not altering text)

- C1** Ss. 5-7 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), **5**

#### Commencement Information

- I4** S. 6(3) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**
- I5** S. 6 in force at 1.6.1999 in so far as not already in force by S.I. 1999/1510, **art. 2(c)** (with arts. 48-51)
- I6** S. 6 in force at 29.11.1999 for further specified purposes by S.I. 1999/3178, **art. 2(1)(b)** (with art. 4, Schs. 21-23)

#### [<sup>F11</sup>7 Constitution of appeal tribunals

- (1) Subject to subsection (2) below, an appeal tribunal shall consist of one, two or three members drawn by the President from the panel constituted under section 6 above.
- (2) The member, or (as the case may be) at least one member, of an appeal tribunal must—
- [<sup>F12</sup>(a) be a solicitor of the Senior Courts of England and Wales, a barrister in England and Wales or have a qualification that is specified under subsection (6A); or]
  - (b) be an advocate or solicitor in Scotland.
- (3) Where an appeal tribunal has more than one member—
- (a) the President shall nominate one of the members as chairman;
  - (b) decisions shall be taken by a majority of votes; and
  - (c) unless regulations otherwise provide, the chairman shall have any casting vote.

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- (4) Where it appears to an appeal tribunal that a matter before it involves a question of fact of special difficulty, then, unless regulations otherwise provide, the tribunal may require one or more experts to provide assistance to it in dealing with the question.
- (5) In subsection (4) above “expert” means a member of the panel constituted under section 6 above who appears to the appeal tribunal concerned to have knowledge or experience which would be relevant in determining the question of fact of special difficulty.
- (6) Regulations shall make provision with respect to—
- (a) the composition of appeal tribunals;
  - (b) the procedure to be followed in allocating cases among differently constituted tribunals; and
  - (c) the manner in which expert assistance is to be given under subsection (4) above.
- [<sup>F13</sup>(6A) The Lord Chancellor may by order specify a qualification for the purposes of subsection (2)(a) above.
- (6B) Subsections (2) to (4), (9) and (10) of section 51 of the Tribunals, Courts and Enforcement Act 2007 (contents of orders under subsection (1) of that section, and cessation of effect of such orders) shall apply for the purposes of subsection (6A) above as they apply for the purposes of subsection (1) of that section, but as if the reference in subsection (3) of that section to section 50 of that Act were a reference to this section.
- (6C) For the purposes of subsection (2)(a) above, a person shall be taken first to become a barrister—
- (a) when the person completes pupillage in connection with becoming a barrister, or
  - (b) in the case of a person not required to undertake pupillage in connection with becoming a barrister, when the person is called to the Bar of England and Wales.
- (6D) For the purposes of subsection (2)(a) above, a person shall be taken not to be a solicitor or a barrister, or not to have a qualification specified under subsection (6A) above, if as a result of disciplinary proceedings he is prevented from practising as a solicitor or (as the case may be) as a barrister or as a holder of the specified qualification.]
- (7) Schedule 1 to this Act shall have effect for supplementing this section.]

#### **Textual Amendments**

- F11** S. 7 omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 147**
- F12** S. 7(2)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 29(3)(8)**; S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F13** S. 7(6A)-(6D) inserted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 29(4)**; S.I. 2008/1653, art. 2(d) (with arts. 3, 4)

#### **Modifications etc. (not altering text)**

- C1** Ss. 5-7 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), **5**

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#### Commencement Information

- I7** S. 7(6) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)
- I8** S. 7(7) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)
- I9** S. 7 in force at 1.6.1999 in so far as not already in force by [S.I. 1999/1510](#), [art. 2\(c\)](#) (with [arts. 48-51](#))
- I10** S. 7 in force at 29.11.1999 for further specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(b\)](#) (with [art. 4](#), [Schs. 21-23](#))
- I11** S. 7(7) in force at 31.3.2000 for further specified purposes by [S.I. 1999/3178](#), [art. 2\(3\)](#) (with [art. 4](#), [Schs. 21-23](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2010/1907 reg. 16\(2\)\(c\)Sch. 2](#)
- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2010/875 revoked (27.8.2010) before coming into force by S.I. 2010/1906, regs. 1(2), 2)
- Act power to apply (with modifications) conferred by [2004 c. 6 s. 24\(5\)-\(7\)](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 38(1A) inserted by [2009 c. 24 s. 20\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- Sch. 2 para. 7A and cross-head inserted by [2012 c. 5 Sch. 2 para. 50\(3\)](#)
- Sch. 18 functions modified by [S.I. 2000/2853 reg. 3\(1\)Sch. 2 para. 4](#)
- Sch. 24 functions modified by [S.I. 2000/2853 reg. 3\(1\)Sch. 2 para. 5](#)