



Social Security Act 1998

1998 CHAPTER 14

PART I

DECISIONS AND APPEALS

CHAPTER I

GENERAL

Appeals

4 Unified appeal tribunals

(1) Subject to the provisions of this Act—

- (a) the functions of social security appeal tribunals, disability appeal tribunals and medical appeal tribunals constituted under Part II of the Administration Act;
- (b) the functions of child support appeal tribunals established under section 21 of the Child Support Act; and
- (c) the functions of vaccine damage tribunals established by regulations made under section 4 of the Vaccine Damage Payments Act 1979 (“the Vaccine Damage Payments Act”),

are hereby transferred to appeal tribunals constituted under the following provisions of this Chapter.

(2) Accordingly appeals under—

- (a) section 12 below;
- (b) section 20 of the Child Support Act, as substituted by section 42 below;
- (c) section 4 of the Vaccine Damage Payments Act, as substituted by section 46 below; and
- (d) section 11 of the Social Security (Recovery of Benefits) Act 1997,

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shall be determined by appeal tribunals so constituted (in the following provisions of this Chapter referred to as “appeal tribunals”).

5 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—
 - (a) he has a 10 year general qualification (construed in accordance with section 71 of the Courts and Legal Services Act 1990); or
 - (b) he is an advocate or solicitor in Scotland of at least 10 years' standing.
- (3) Schedule 1 to this Act shall have effect for supplementing this section.

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 such persons as the Lord Chancellor thinks fit to appoint after consultation, in the case of medical practitioners, with the Chief Medical Officer.
- (3) The panel shall include persons possessing such qualifications as may be prescribed by regulations made with the concurrence of the Lord Chancellor.
- (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.
- (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 Scottish Office.

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—
 - (a) have a general qualification (construed in accordance with section 71 of the Courts and Legal Services Act 1990); 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

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- (c) unless regulations otherwise provide, the chairman shall have any casting vote.
- (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.
- (7) Schedule 1 to this Act shall have effect for supplementing this section.