



Social Security Act 1998

1998 CHAPTER 14

PART I

DECISIONS AND APPEALS

CHAPTER II

SOCIAL SECURITY DECISIONS AND APPEALS

Decisions

8 Decisions by Secretary of State

- (1) Subject to the provisions of this Chapter, it shall be for the Secretary of State—
 - (a) to decide any claim for a relevant benefit;
 - (b) to decide any claim for a social fund payment mentioned in section 138(1)(b) of the Contributions and Benefits Act;
 - (c) subject to subsection (5) below, to make any decision that falls to be made under or by virtue of a relevant enactment; and
 - (d) subject to and in accordance with regulations, to decide any issue arising as to, or in connection with, entitlement to statutory sick pay or statutory maternity pay.
- (2) Where at any time a claim for a relevant benefit is decided by the Secretary of State—
 - (a) the claim shall not be regarded as subsisting after that time; and
 - (b) accordingly, the claimant shall not (without making a further claim) be entitled to the benefit on the basis of circumstances not obtaining at that time.
- (3) In this Chapter “relevant benefit”, subject to section 21(4) below, means any of the following, namely—
 - (a) benefit under Parts II to V of the Contributions and Benefits Act;
 - (b) a jobseeker’s allowance;

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- (c) income support;
 - (d) family credit;
 - (e) disability working allowance;
 - (f) a social fund payment mentioned in section 138(1)(a) or (2) of the Contributions and Benefits Act;
 - (g) child benefit;
 - (h) such other benefit as may be prescribed.
- (4) In this section “relevant enactment” means any enactment contained in this Chapter, the Contributions and Benefits Act, the Administration Act, the Social Security (Consequential Provisions) Act 1992 or the Jobseekers Act, other than one contained in—
- (a) Part VII of the Contributions and Benefits Act so far as relating to housing benefit and council tax benefit;
 - (b) Part VIII of the Administration Act (arrangements for housing benefit and council tax benefit and related subsidies).
- (5) Subsection (1)(c) above does not include any decision relating to Class 4 contributions other than a decision falling to be made—
- (a) under subsection (1) of section 17 of the Contributions and Benefits Act as to whether by regulations under that subsection a person is excepted from liability for Class 4 contributions, or his liability is deferred; or
 - (b) under regulations made by virtue of subsection (3) or (4) of that section or section 18 of that Act.

Modifications etc. (not altering text)

C1 S. 8 applied (with modifications) (4.3.1999 for specified purposes) by [Pension Schemes Act 1993](#) (c. 48), **s. 170(2)** (as substituted by [Social Security Act 1998](#) (c. 14), s. 87(2), Sch. 7 para. 131 (with s. 83, Sch. 6); S.I. 1999/528, art. 2(a), Sch.; S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with art. 5, Sch. 12))

9 Revision of decisions

- (1) Subject to section 36(3) below, any decision of the Secretary of State under section 8 above or section 10 below may be revised by the Secretary of State—
- (a) either within the prescribed period or in prescribed cases or circumstances; and
 - (b) either on an application made for the purpose or on his own initiative;
- and regulations may prescribe the procedure by which a decision of the Secretary of State may be so revised.
- (2) In making a decision under subsection (1) above, the Secretary of State need not consider any issue that is not raised by the application or, as the case may be, did not cause him to act on his own initiative.
- (3) Subject to subsections (4) and (5) and section 27 below, a revision under this section shall take effect as from the date on which the original decision took (or was to take) effect.
- (4) Regulations may provide that, in prescribed cases or circumstances, a revision under this section shall take effect as from such other date as may be prescribed.

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- (5) Where a decision is revised under this section, for the purpose of any rule as to the time allowed for bringing an appeal, the decision shall be regarded as made on the date on which it is so revised.
- (6) Except in prescribed circumstances, an appeal against a decision of the Secretary of State shall lapse if the decision is revised under this section before the appeal is determined.

Modifications etc. (not altering text)

- C2** S. 9 applied (with modifications) (4.3.1999 for specified purposes) by [Pension Schemes Act 1993](#) (c. 48), **s. 170(2)** (as substituted by [Social Security Act 1998](#) (c. 14), s. 87(2), Sch. 7 para. 131 (with s. 83, Sch. 6); S.I. 1999/528, art. 2(a), Sch.; S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with art. 5, Sch. 12))

Commencement Information

- I1** S. 9(1)(4)(6) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), **Sch.**

10 Decisions superseding earlier decisions

- (1) Subject to subsections (3) and (4) and section 36(3) below, the following, namely—
 - (a) any decision of the Secretary of State under section 8 above or this section, whether as originally made or as revised under section 9 above; and
 - (b) any decision under this Chapter of an appeal tribunal or a Commissioner, may be superseded by a decision made by the Secretary of State, either on an application made for the purpose or on his own initiative.
- (2) In making a decision under subsection (1) above, the Secretary of State need not consider any issue that is not raised by the application or, as the case may be, did not cause him to act on his own initiative.
- (3) Regulations may prescribe the cases and circumstances in which, and the procedure by which, a decision may be made under this section.
- (4) Subsection (1)(a) above does not apply in the case of a decision of the Secretary of State under subsection (1)(c) of section 8 above where the relevant enactment within the meaning of that section is section 121C or 121D of the Administration Act (liability of directors etc. for company's contributions).
- (5) Subject to subsection (6) and section 27 below, a decision under this section shall take effect as from the date on which it is made or, where applicable, the date on which the application was made.
- (6) Regulations may provide that, in prescribed cases or circumstances, a decision under this section shall take effect as from such other date as may be prescribed.

Modifications etc. (not altering text)

- C3** S. 10 applied (with modifications) (4.3.1999 for specified purposes) by [Pension Schemes Act 1993](#) (c. 48), **s. 170(2)** (as substituted by [Social Security Act 1998](#) (c. 14), s. 87(2), Sch. 7 para. 131 (with s. 83, Sch. 6); S.I. 1999/528, art. 2(a), Sch.; S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with art. 5, Sch. 12))

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Commencement Information

I2 S. 10(3)(6) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)

11 Regulations with respect to decisions

- (1) Subject to the provisions of this Chapter and the Administration Act, provision may be made by regulations for the making of any decision by the Secretary of State under or in connection with the current legislation, or the former legislation, including a decision on a claim for benefit.
- (2) Where it appears to the Secretary of State that a matter before him involves a question of fact requiring special expertise, he may direct that in dealing with that matter he shall have the assistance of one or more experts.

- (3) In this section—

“the current legislation” means the Contributions and Benefits Act, the Jobseekers Act and the Social Security (Recovery of Benefits) Act 1997;

“expert” means a person appearing to the Secretary of State to have knowledge or experience which would be relevant in determining the question of fact requiring special expertise;

“the former legislation” means the National Insurance Acts 1965 to 1974, the National Insurance (Industrial Injuries) Acts 1965 to 1974, the Social Security Act 1975 and Part II of the Social Security Act 1986.

Commencement Information

I3 S. 11(1) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)

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