



# Social Security Act 1998

## 1998 CHAPTER 14

### PART I

#### DECISIONS AND APPEALS

### CHAPTER II

#### SOCIAL SECURITY DECISIONS AND APPEALS

#### *Industrial accidents*

#### **29 Decision that accident is an industrial accident**

- (1) Where, in connection with any claim for industrial injuries benefit, it is decided that the relevant accident was or was not an industrial accident—
  - (a) an express declaration of that fact shall be made and recorded; and
  - (b) subject to subsection (3) below, a claimant shall be entitled to have the issue whether the relevant accident was an industrial accident decided notwithstanding that his claim is disallowed on other grounds.

<sup>F1</sup>(2) .....

- (3) The Secretary of State<sup>F2</sup>, the First-tier Tribunal or the Upper Tribunal] (as the case may be) may refuse to decide the issue whether an accident was an industrial accident if satisfied that it is unlikely to be necessary to decide the issue for the purposes of any claim for benefit; and this Chapter shall apply as if any such refusal were a decision on the issue.
- (4) Subject to sections 9 to 15 above, any declaration under this section that an accident was or was not an industrial accident shall be conclusive for the purposes of any claim for industrial injuries benefit in respect of that accident.
- (5) Where subsection (4) above applies—

**Changes to legislation:** *Social Security Act 1998, Cross Heading: Industrial accidents is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) in relation to a death occurring before 11th April 1988; or
  - (b) for the purposes of section 60(2) of the Contributions and Benefits Act,
- it shall have effect as if at the end there were added the words “whether or not the claimant is the person at whose instance the declaration was made”.
- (6) For the purposes of this section (but subject to section 30 below), an accident whereby a person suffers personal injury shall be deemed, in relation to him, to be an industrial accident if—
- (a) it arises out of and in the course of his employment;
  - (b) that employment is employed earner’s employment for the purposes of Part V of the Contributions and Benefits Act; and
  - (c) payment of benefit is not under section 94(5) of that Act precluded because the accident happened while he was outside Great Britain.
- (7) A decision under this section shall be final except that sections 9 and 10 above apply to a decision under this section that an accident was or was not an industrial accident as they apply to a decision under section 8 above if, but only if, the Secretary of State is satisfied that the decision under this section was given in consequence of any wilful non-disclosure or misrepresentation of a material fact.

#### Textual Amendments

- F1** S. 29(2) repealed (5.12.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 68(1)**, 150(3); [S.I. 2012/2530](#), art. 2(6)(d)
- F2** Words in s. 29(3) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 165**

#### Commencement Information

- I1** S. 29 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), **Sch. 1** (with art. 5, [Sch. 12](#))

### 30 Effect of decision

- (1) A decision <sup>F3</sup>... that an accident was an industrial accident is to be taken as determining only that paragraphs (a), (b) and (c) of subsection (6) of that section are satisfied in relation to the accident.
- (2) Subject to subsections (3) and (4) below, no such decision is to be taken as importing a decision as to the origin of any injury or disability suffered by the claimant, whether or not there is an event identifiable as an accident apart from any injury that may have been received.
- (3) A decision that, on a particular occasion when there was no event so identifiable, a person had an industrial accident by reason of an injury shall be treated as a decision that, if the injury was suffered by accident on that occasion, the accident was an industrial accident.
- (4) A decision that an accident was an industrial accident may be given, and a declaration to that effect be made and recorded in accordance with section 29 above, without its having been found that personal injury resulted from the accident.

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- (5) Subsection (4) above has effect subject to the discretion under section 29(3) above to refuse to decide the issue if it is unlikely to be necessary for the purposes of a claim for benefit.

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**Textual Amendments**

- F3** Words in s. 30(1) repealed (5.12.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 68\(2\)](#), 150(3); [S.I. 2012/2530](#), [art. 2\(6\)\(d\)](#)

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**Commencement Information**

- I2** S. 30 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

**Changes to legislation:**

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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](#)