

# Social Security Act 1998

## CHAPTER 14

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##### CHAPTER I

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An Act to make provision as to the making of decisions and the determination of appeals under enactments relating to social security, child support, vaccine damage payments and war pensions; to make further provision with respect to social security; and for connected purposes.

[21st May 1998]

[Provisions in this Act which, by the date of issue of the latest supplement to this work, had not been commenced for any purpose are printed below in *italic* ]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

## PART I

## DECISIONS AND APPEALS

## CHAPTER I

## GENERAL

*Decisions*

1. The following functions are hereby transferred to the Secretary of State, namely—
  - (a) the functions of adjudication officers appointed under section 38 of the Social Security Administration Act 1992 (“the Administration Act”);
  - (b) *the functions of social fund officers appointed under section 64 of that Act; and*
  - (c) the functions of child support officers appointed under section 13 of the Child Support Act 1991 (“the Child Support Act”).

Transfer of functions to Secretary of State.

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Use of computers.

2.—(1) Any decision, determination or assessment falling to be made or certificate falling to be issued by the Secretary of State under or by virtue of a relevant enactment, or in relation to a war pension, may be made or issued not only by an officer of his acting under his authority but also—

- (a) by a computer for whose operation such an officer is responsible; and
- (b) in the case of a decision, determination or assessment that may be made or a certificate that may be issued by a person providing services to the Secretary of State, by a computer for whose operation such a person is responsible.

(2) In this section “relevant enactment” means any enactment contained in—

- (a) Chapter II of this Part;
- (b) the Social Security Contributions and Benefits Act 1992 (“the Contributions and Benefits Act”);
- (c) the Administration Act;]
- (d) the Child Support Act;
- (e) the Social Security (Incapacity for Work) Act 1994;
- (f) the Jobseekers Act 1995 (“the Jobseekers Act”)
- (g) the Child Support Act 1995; or
- (h) the Social Security (Recovery of Benefits) Act 1997 [<sup>1</sup>; or
- (i) the State Pension Credit Act 2002] [<sup>2</sup>; or
- (j) Part 1 of the Welfare Reform Act 2007] [<sup>3</sup>[...<sup>4</sup>]
- [<sup>4</sup>(k) Part 1 of the Welfare Reform Act 2012]
- (l) Part 4 of that Act] [<sup>5</sup>; or
- (n) section 30 of the Pensions Act 2014;]

(3) In this section and section 3 below “war pension” has the same meaning as in section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees).

Use of information.

3.—(1) Subsection (2) below applies to information relating to [<sup>6</sup>any of the matters specified in subsection (1A) below] which is held—

- (a) by the Secretary of State or the Northern Ireland Department; or
- (b) by a person providing services to the Secretary of State or the Northern Ireland Department in connection with the provision of those services.

[<sup>2</sup>(1A) The matters are—

- (a) social security [...<sup>7</sup>] or war pensions;
- [<sup>7</sup>(aa) child support] [...<sup>8</sup>];
- (b) employment or training;
- (c) private pensions policy;
- (d) retirement planning.]
- [<sup>9</sup>(e) the investigation or prosecution of offences relating to tax credits.]
- [<sup>10</sup>(f) the Diffuse Mesothelioma Payment Scheme.]

(2) Information to which this subsection applies—

- (a) may be used for the purposes of, or for any purposes connected with, the exercise of functions in relation to [<sup>6</sup>any of the matters specified in subsection (1A) above]; and

<sup>1</sup> S. 2(2)(i) inserted (2.7.02) for the purposes of exercising power to make regulations or orders and (7.4.03) for all other purposes by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 5.

<sup>2</sup> S. 2(2)(j) inserted (27.10.08) by Sch. 3, para. 17(2) of the Welfare Reform Act 2007 (c. 5).

<sup>3</sup> S. 2(2)(l) inserted (8.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 9, para. 38.

<sup>4</sup> Word repealed and s. 2(2)(k) inserted (29.4.13) by para. 44(a) & (b) of Sch. 2 to the Welfare Reform Act 2012 (c. 5).

<sup>5</sup> S. 2(2)(n) inserted (6.4.17) by s. 31 & Sch. 16, para. 38 to the Pensions Act 2014 (c. 19).

<sup>6</sup> In s. 3, words substituted in subsection (1) & (2)(a) (18.11.04) by the Pensions Act 2004 (c. 35), Sch. 10, para. 1.

<sup>7</sup> Words in s. 3(1A)(a) substituted & para. (aa) inserted (6.4.10) by the Child Maintenance and Other Payments Act 2008 (c. 6), Sch. 7, para. 3(2)(a) & (b).

<sup>8</sup> Words in s. 3(1A)(aa) omitted (1.8.12) by S.I. 2012/2007, art. 64(a).

<sup>9</sup> S. 3(1A)(e) inserted (8.5.12) by S. 127(10) of the Welfare Reform Act 2012 (c. 5).

<sup>10</sup> S. 3(1A)(f) inserted (31.3.14) by para. 21 of Sch. 1 to the Mesothelioma Act 2014 (c. 1).

(b) may be supplied to, or to a person providing services to, the Secretary of State or the Northern Ireland Department for use for those purposes.

(3) [...<sup>1</sup>]

shall each have effect as if the reference in subsection (1) to social security included references to child support and war pensions.

(4) In this section “the Northern Ireland Department” means the Department of Health and Social Services for Northern Ireland [<sup>2</sup>or the Department for Employment and Learning in Northern Ireland].

[<sup>3</sup>(5) In this section–

“private pensions policy” means policy relating to–

[<sup>4</sup>(a)] occupational pension schemes or personal pension schemes (within the meaning given by section 1 of the Pension Schemes Act 1993); [<sup>4</sup>or

(b) occupational pension schemes or private schemes or private pension schemes within the meaning of Part 1 of the Pensions Act 2008, if they do not fall within paragraph (a);]

“retirement planning” means promoting financial planning for retirement.]

*Appeals*

4.-7. [...<sup>5</sup>]

Unified appeal tribunals.

<sup>1</sup> S. 3(3) repealed (9.9.02) by the Employment Act 2002 (c. 22) Sch. 6, para. 1.

<sup>2</sup> Words inserted in s. 3(4) (9.9.02) by the Employment Act 2002 (c. 22), Sch. 8, para. 1.

<sup>3</sup> S. 3(5) inserted (18.11.04) by the Pensions Act 2004 (c. 35), Sch. 10, para. 1 (c. 5.)

<sup>4</sup> Para. (a) created in s. 3(5) and para. (b) inserted in defn. of “private pensions policy” (26.1.09) by the Pensions Act 2008 (c. 30), s. 63(6).

<sup>5</sup> Ss. 4-7 omitted (3.11.08) by S.I. 2008/2833, arts. 144-147.

**SOCIAL SECURITY ACT 1998 (c. 14)**

Chapter II  
Social Security Decisions and Appeals

*References in Chapter II of Part I to a decision of the Secretary of State are, where the content so requires in consequence of section 50, to be construed as references to a decision of the Board (or, where the power to decide is exercised by an officer of the Board, an officer of the Board).*

*Decisions*

**8.—(1)** Subject to the provisions of this Chapter, it shall be for the Secretary of State—

Decisions by Secretary of State.

(a) to decide any claim for a relevant benefit; [<sup>1</sup>and]

*S. 8(1)(b) has been repealed by Sch. 14, part 8 of the Welfare Reform Act 2012 (c. 5), but kept in force for transitional purposes. See art. 3 of S.I. 2012/3090 for details of when to apply.*

[...<sup>2</sup>]

(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; [...<sup>1</sup>]

(d) [...<sup>1</sup>]

(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”, [...<sup>3</sup>] means any of the following, namely—

(a) benefit under Parts II to V of the Contributions and Benefits Act;

[<sup>4</sup>(aa) universal credit;]

[<sup>5</sup>(ac) bereavement support payment under section 30 of the Pensions Act 2014;]

(b) a jobseeker’s allowance;

[<sup>6</sup>(ba) an employment and support allowance;]

[<sup>7</sup>(baa) personal independence payment;]

[<sup>8</sup>(bb) state pension credit;]

(c) income support;

(d) [...<sup>9</sup>]

(e) [...<sup>9</sup>]

(f) *a social fund payment mentioned in section 138(1)(a) or (2) of the Contributions and Benefits Act;*

(g) child benefit;

<sup>1</sup> Words in s. 8 inserted and omitted (1.4.99) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Sch. 7, para. 22(2) & (3).

<sup>2</sup> S. 8(1)(b) repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14, pt. 8.

<sup>3</sup> Words omitted (6.4.00) by the Welfare Reform and Pensions Act 1999 (c. 30) Sch. 13.

<sup>4</sup> S. 8(3)(aa) inserted & words in subsec. (4) substituted (25.2.13 for reg. making purposes) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 45(a) & (b).

<sup>5</sup> S. 8(3)(ac) inserted (6.4.17) by s. 31 & Sch. 16, para. 39(2) to the Pensions Act 2014 (c. 19).

<sup>6</sup> Subsection (3)(ba) inserted and words in s.s. (4) substituted (27.10.08) by Sch. 3, para. 17(3)(a) & (4) of the Welfare Reform Act 2007 (c. 5).

<sup>7</sup> S. 8(3)(baa) & words in subsec. (4) inserted (25.2.13 for reg. making purposes) by the Welfare Reform Act 2012 (c. 5), Sch. 9, para. 39.

<sup>8</sup> Subsection (3)(bb) inserted & words in (4) substituted in s. 8 (2.7.02) for the purposes of exercising power to make regulations or orders or (7.4.03) for all other purposes by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 6.

<sup>9</sup> S. 8(3)(d) & (e) repealed (8.4.03) by the Tax Credits Act 2002 (c. 21), Sch. 6.

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### Ss. 8-9

(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 [<sup>1</sup>, the Jobseekers Act [<sup>2</sup>, the State Pension Credit Act 2002 or [<sup>3</sup>Part 1 of the Welfare Reform Act 2007, Part 1 of the Welfare Reform Act 2012] [<sup>3</sup>or Part 4 of that Act.] [<sup>4</sup>or section 30 of that 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).

[<sup>5</sup>(5) Subsection (1)(c) above does not include any decision which under section 8 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 falls to be made by an officer of the Inland Revenue.]

Revision of decisions.

**9.—(1)** [<sup>6</sup>] any decision of the Secretary of State under section 8 above or section 10 below may be revised by the Secretary of State—

*Words in S. 9(1) & s. 10(1) has been repealed by Sch. 14, part 8 of the Welfare Reform Act 2012 (c. 5), but kept in force for transitional purposss. See art. 3 of S.I. 2012/3090 for details of when to apply.*

**9.—(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.

(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.

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<sup>1</sup> Subsection (3)(bb) inserted & words in (4) substituted in s. 8 (2.7.02) for the purposes of exercising power to make regulations or orders or (7.4.03) for all other purposes by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 6.

<sup>2</sup> Subsection (3)(ba) inserted and words in s.s. (4) substituted (27.10.08) by Sch. 3, para. 17(3)(a) & (4) of the Welfare Reform Act 2007 (c. 5).

<sup>3</sup> S. 8(baa) & words in subsec. (4) inserted (25.2.13 for reg. making purposes) by the Welfare Reform Act 2012 (c. 5), Sch. 9, para. 39.

<sup>4</sup> Words in s. 8(4) inserted (6.4.17) by s. 31 & Sch. 16, para. 39(3) to the Pensions Act 2014 (c. 19), (“or section 30 of that Act” related to the Pensions Act 2014).

<sup>5</sup> Words in s. 8(5) substituted (1.4.99) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Sch. 7, para. 22(3).

<sup>6</sup> Words in s. 9(1) repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14, pt. 8.

10.—(1) Subject to [<sup>1</sup>subsection 3] and section 36(3) [...<sup>2</sup>] below, the following, namely—

Decisions superseding earlier decisions.

- (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; [...<sup>3</sup>]
- [<sup>3</sup>(aa) any decision under this Chapter of an appeal tribunal or a Commissioner; and]
- (b) any decision under this Chapter [<sup>4</sup>of the First-tier Tribunal or any decision of the Upper Tribunal which relates to any such decision.]

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) [...<sup>5</sup>]

(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.

[<sup>3</sup>(7) In this section-

“appeal tribunal” means an appeal tribunal constituted under Chapter 1 of this Part (the functions of which have been transferred to the First-tier Tribunal);

“Commissioner” means a person appointed as a Social Security Commissioner under Schedule 4 (the functions of whom have been transferred to the Upper Tribunal), and includes a tribunal of such persons.]

*Reference of issues by Secretary of State to Inland Revenue*

[<sup>6</sup>10A.—(1) Regulations may make provision requiring the Secretary of State, where on consideration of any claim or other matter he is of the opinion that there arises any issue which under section 8 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 falls to be decided by an officer of the Inland Revenue, to refer the issue to the Inland Revenue.

Reference of issues by Secretary of State to Inland Revenue.

(2) Regulations under this section may—

- (a) provide for the Inland Revenue to give the Secretary of State a preliminary opinion on any issue referred to them,
- (b) specify the circumstances in which an officer of the Inland Revenue is to make a decision under section 8 of the Social Security Contributions (Transfer of Function, etc.) Act 1999 on a reference by the Secretary of State,

<sup>1</sup> Words in s. 10(1) substituted and subsection 4 shall cease to have effect (1.4.99) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Sch. 7, para. 23.

<sup>2</sup> Words in s. 10(1) repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14, pt. 8.

<sup>3</sup> Words in s. 10(1)(a) omitted and s.s. 10(1)(aa) and (7) inserted (8.3.12 with effect in accordance with s. 103(2)) by The Welfare Reform Act 2012 (c. 5), s. 150(01)(b), Sch. 12 para. 004(02)(03).

<sup>4</sup> Words in s. 10(1)(b) substituted (3.11.08) by S.I. 2008/2833, art. 148.

<sup>5</sup> Words in s. 10(1) substituted and subsection 4 shall cease to have effect (1.4.99) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Sch. 7, para. 23.

<sup>6</sup> S. 10A inserted (5.7.99) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Sch. 7, para. 24.

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- (c) enable or require the Secretary of State, in specified circumstances, to deal with any other issue arising on consideration of the claim or other matter pending the decision on the referred issue, and
- (d) require the Secretary of State to decide the claim or other matter in accordance with the decision of an officer of the Inland Revenue on the issue referred to them, or in accordance with any determination of the [<sup>1</sup>First-tier Tribunal or Upper Tribunal] made on appeal from [<sup>1</sup>the Tribunal's decision.]

Regulations with respect to decisions.

**11.**—(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 [<sup>2</sup>, the Social Security (Recovery of Benefits) Act 1997 [<sup>3</sup>, the State Pension Credit Act 2002 or [<sup>4</sup>Part 1 of the Welfare Reform Act 2007, Part 1 of the Welfare Reform Act 2012] [<sup>5</sup>and Part 4 of that Act]]] [<sup>6</sup>and section 30 of that Act];

“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.

### *Appeals*

Appeals to [<sup>7</sup>First-tier Tribunal].

**12.**—(1) This section applies to any decision of the Secretary of State under section 8 or 10 above (whether as originally made or as revised under section 9 above) which—

- (a) is made on a claim for, or on an award of, a relevant benefit, and does not fall within Schedule 2 to this Act; [<sup>8</sup>or]
- (b) is made otherwise than on such a claim or award, and falls within Schedule 3 to this Act;
- (c) [...<sup>8</sup>]

[<sup>9</sup>(2) In the case of a decision to which this section applies, the claimant and such other person as may be prescribed shall have a right to appeal to [<sup>10</sup>the First-tier Tribunal], but nothing in this subsection shall confer a right of appeal in relation to—

<sup>1</sup> Words substituted in s. 10A(2)(d) (1.4.09) by S.I. 2009/56, art. 248(a) & (b).

<sup>2</sup> Words in s. 11(3) substituted (2.7.02) for the purposes of exercising power to make regulations or orders by or (7.4.03) for all other purposes the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 7.

<sup>3</sup> Words in s. 11(3) substituted (27.10.08) by Sch. 3, para. 17(4) of the Welfare Reform Act 2007 (c. 5).

<sup>4</sup> Words in s. 11(3) substituted (25.2.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 46.

<sup>5</sup> Words inserted in s. 11(3) by the Welfare Reform Act 2012 (c. 5), Sch. 9, para. 40.

<sup>6</sup> Words in s. 11(3) inserted (6.4.17) by s. 31 & Sch. 16, para. 40 to the Pensions Act 2014 (c. 19), (“section 30 of that Act” relates to the Pensions Act 2014).

<sup>7</sup> Words in heading to s. 12 substituted (3.11.08) by S.I. 2008/2833, art. 149(a).

<sup>8</sup> Words inserted & omitted in s. 12 (1.4.99) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2) Sch. 7, para. 25.

<sup>9</sup> S. 12(2) substituted (1.4.99) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2) Sch. 7, para. 25(3).

<sup>10</sup> Words substituted in s. 12(2), (4), (5), (8), 13(1), (3) and s. 13(2) omitted (3.11.08) by S.I. 2008/2833, art. 149(a), (b), 150(a)-(c) & 151(a)-(c).

- [<sup>1</sup>(a)] a prescribed decision, or a prescribed determination embodied in or necessary to a decision.] [<sup>1</sup>, or  
 (b) where regulations under subsection (3A) so provide.]

(3) Regulations under subsection (2) above shall not prescribe any decision or determination that relates to the conditions of entitlement to a relevant benefit for which a claim has been validly made or for which no claim is required.

[<sup>1</sup>(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal under subsection (2) in relation to a decision only if the Secretary of State has considered whether to revise the decision under section 9.

(3B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the Secretary of State was on an application,
- (b) the Secretary of State considered issues of a specified description, or
- (c) the consideration by the Secretary of State satisfied any other condition specified in the regulations.

(3C) The references in subsections (3A) and (3B) to regulations and to the Secretary of State are subject to any enactment under or by virtue of which the functions under this Chapter are transferred to or otherwise made exercisable by a person other than the Secretary of State.]

[<sup>2</sup>(3D) In the case of a decision relating to child benefit or guardian's allowance(2), the making of any appeal under this section against the decision as originally made must follow the Commissioners for Her Majesty's Revenue and Customs first deciding, on an application made for revision of that decision under section 9, not to revise the decision.]

(4) Where the Secretary of State has determined that any amount is recoverable under or by virtue of section 71[<sup>3</sup>, 71ZB, 71ZG, 71ZH,] or 74 of the Administration Act, any person from whom he has determined that it is recoverable shall have the same right of appeal to [<sup>4</sup>the First-tier Tribunal] as a claimant.

(5) In any case where—

- (a) the Secretary of State has made a decision in relation to a claim under Part V of the Contributions and Benefits Act; and
- (b) the entitlement to benefit under that Part of that Act of any person other than the claimant is or may be, under Part VI of Schedule 7 to that Act, affected by that decision,

that other person shall have the same right of appeal to [<sup>3</sup>the First-tier Tribunal] as the claimant.

(6) A person with a right of appeal under this section shall be given such notice of a decision to which this section applies and of that right as may be prescribed.

(7) Regulations may—

- [<sup>5</sup>(a)] make provision as to the manner in which, and the time within which, appeals are to be brought.
- [<sup>5</sup>(b)] provide that, where in accordance with regulations under subsection (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under section 9.]

<sup>1</sup> Words in s. 12(2) become para. (a), para. (b) & subsec. (3A)-(3C) inserted (25.2.13) by the Welfare Reform Act 2012 (c. 5), s. 102(3)

<sup>2</sup> S. 12(3D) inserted (6.4.14) by S.I. 2014/886, art. 4(a) & (b).

<sup>3</sup> Words inserted in s. 12(4) (29.4.13) by the Welfare Reform Act 2012 (c. 5), s. 105(6).

<sup>4</sup> Words substituted in s. 12(2), (4), (5), (8), 13(1), (3) and s. 13(2) omitted (3.11.08) by S.I. 2008/2833, art. 149(a), (b), 150(a)-(c) & 151(a)-(c).

<sup>5</sup> Words in s. 12(7) become para. (a) & para. (b) inserted (25.2.13) by the Welfare Reform Act 2012 (c. 5), s. 102(4)(a) & (b).

## SOCIAL SECURITY ACT 1998 (c. 14)

### Ss. 12-14

- (8) In deciding an appeal under this section, [<sup>1</sup>the First-tier Tribunal]—
- (a) need not consider any issue that is not raised by the appeal; and
  - (b) shall not take into account any circumstances not obtaining at the time when the decision appealed against was made.

(9) The reference in subsection (1) above to a decision under section 10 above is a reference to a decision superseding any such decision as is mentioned in paragraph (a) or (b) of subsection (1) of that section.

Redetermination etc. of appeals by tribunal.

**13.—**(1) This section applies where an application is made [<sup>1</sup>to the First-tier Tribunal for permission to appeal to the Upper Tribunal from any decision of the First-tier Tribunal under section 12 or this section.]

(2) [...<sup>1</sup>].

[<sup>2</sup>(2A) In the case of a decision relating to child benefit or guardian’s allowance(4), the making of any appeal under this section against the decision as originally made must follow the Commissioners for Her Majesty’s Revenue and Customs first deciding, on an application made for revision of that decision under Article 10, not to revise the decision.]

(3) If each of the principal parties to the case expresses the view that the decision was erroneous in point of law, [<sup>3</sup>the First-tier Tribunal] shall set aside the decision and refer the case for determination by a differently constituted [<sup>3</sup>First-tier Tribunal].

[<sup>4</sup>(4) In this section and section 14 below “the principal parties” means—

- (a) the persons mentioned in subsection (3)(a) and (b) of that section, and
- (b) where applicable, the person mentioned in subsection (3)(d) and such a person as is first mentioned in subsection (4) of that section.]

Appeal from [<sup>3</sup>First-tier Tribunal to Upper Tribunal].

**14.—**(1) [...<sup>5</sup>].

(2) [...<sup>6</sup>]

(3) [...<sup>6</sup> An appeal [<sup>3</sup>to the Upper Tribunal under section 11 of the Tribunals, Courts and Enforcement Act 2007 from any decision of the First-tier Tribunal under section 12 or 13 above lies] at the instance of any of the following—

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<sup>1</sup> Words substituted in s. 12(2), (4), (5), (8), 13(1), (3) and s. 13(2) omitted (3.11.08) by S.I. 2008/2833, art. 149(a), (b), 150(a)-(c) & 151(a)-(c).

<sup>2</sup> S. 13(2A) inserted (6.4.14) by S.I. 2014/886, art. 4(a) & (b).

<sup>3</sup> Words substituted in s. 12(2), (4), (5), (8), 13(1), (3) and s. 13(2) omitted (3.11.08) by S.I. 2008/2833, art. 149(a), (b), 150(a)-(c) & 151(a)-(c).

<sup>4</sup> S. 13(4) substituted (1.4.99) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Sch. 7, para. 26.

<sup>5</sup> Words omitted in s. 14(1) and substituted in heading to s. 14 (3.11.08) by S.I. 2008/2833, art. 149(a), (b), 150(a)-(c) & 151(a)-(c).

<sup>6</sup> S. 14(2) omitted & words in s. 14(3) deleted (1.4.99) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Sch. 7, para. 27(a) & (b).

- (a) the Secretary of State;
- (b) the claimant and such other person as may be prescribed;
- (c) in any of the cases mentioned in subsection (5) below, a trade union; and
- (d) a person from whom it is determined that any amount is recoverable under or by virtue of section 71 or 74 of the Administration Act.

(4) In a case relating to industrial injuries benefit an appeal [<sup>1</sup>to the Upper Tribunal under section 11 of the Tribunals, Courts and Enforcement Act 2007 from any decision of the First-tier Tribunal under section 12 or 13 above lies] at the instance of a person whose entitlement to benefit is, or may be, under Part VI of Schedule 7 to the Contributions and Benefits Act, affected by the decision appealed against, as well as at the instance of any person or body such as is mentioned in subsection (3) above.

(5) The following are the cases in which an appeal lies at the instance of a trade union—

- (a) where the claimant is a member of the union at the time of the appeal and was so immediately before the matter in question arose;
- (b) where that matter in any way relates to a deceased person who was a member of the union at the time of his death;
- (c) where the case relates to industrial injuries benefit and the claimant or, in relation to industrial death benefit, the deceased, was a member of the union at the time of the relevant accident.

(6) Subsections [...<sup>2</sup>], (3) and (5) above, as they apply to a trade union, apply also to any other association which exists to promote the interests and welfare of its members.

(7)–(12) [...<sup>1</sup>].

**15.—(1)–(2) [...<sup>1</sup>]**

(3) [<sup>1</sup>An application for permission to appeal from a decision of the Upper Tribunal in respect of a decision of the First-tier Tribunal under section 12 or 13] may only be made by—

- (a) a person who, before the proceedings before the [<sup>1</sup>Upper Tribunal] were begun, was entitled to appeal to the [<sup>1</sup>Upper Tribunal] from the decision to which the [<sup>1</sup>Upper Tribunal's] decision relates;
- (b) any other person who was a party to the proceedings in which the first decision mentioned in paragraph (a) above was given;
- (c) any other person who is authorised by regulations to apply for [<sup>1</sup>permission]; [...<sup>1</sup>].

(4)–(5) [...<sup>1</sup>].

[<sup>1</sup>**15A.—(1)** The Senior President of Tribunals shall ensure that appropriate steps are taken by the First-tier Tribunal to secure the confidentiality, in such circumstances as may be prescribed, of any prescribed material, or any prescribed classes or categories of material.

[<sup>1</sup>Applications for permission to appeal against a decision of the Upper Tribunal]

[<sup>1</sup>Functions of Senior President of Tribunals]

(2)–(3) [...<sup>3</sup>].

<sup>1</sup> Words substituted in 14(4), 15(3)(a) & (c) & s. 14(7)–(12) & s. 15(1)–(2), (4) & (5) omitted & words deleted in 15(3)(c) & s. 15A added (3.11.08) by S.I. 2008/2833, art. 151(c) & (d) & Arts. 152–153.

<sup>2</sup> Number deleted (1.4.99) in s. 14(6) by Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), Sch. 10.

<sup>3</sup> S. 15A(2)(3) omitted (26.5.15 (with s. 103(3)(i)) by The Deregulation Act 2015 (c.20), s. 79.

**SOCIAL SECURITY ACT 1998 (c. 14)**

**Ss. 16-17**

*Procedure etc.*

Procedure.

**16.**—(1) Regulations (“procedure regulations”) may make any such provision as is specified in Schedule 5 to this Act.

(2) [...<sup>1</sup>].

(3) It is hereby declared—

(a) [...<sup>1</sup>]

(b) that the power to provide for the procedure to be followed in connection with the making of decisions by the Secretary of State includes power to make provision with respect to the formulation of the matters to be decided, whether on a reference under section 117 of the Administration Act or otherwise.

(4) Subsection (5) below applies to any issue—

(a) as to whether a Class 1A contribution is payable, or otherwise relating to a Class 1A contribution; or

(b) relating to emoluments in respect of which a Class 1A contribution would be payable but for section 10(8A) of the Contributions and Benefits Act;

and in that subsection, in relation to such an issue, “the relevant person” means the person who is liable or alleged to be liable, or (as the case may be) who would be liable or who it is alleged would be liable, to pay the Class 1A contribution in question.

(5) In proceedings for the determination of an issue to which this subsection applies—

(a) in England and Wales, there shall be available to a witness (other than the relevant person) any privilege against self-incrimination or incrimination of a spouse which is available to a witness in legal proceedings; and

(b) in Scotland, section 3 of the Evidence (Scotland) Act 1853 (competence and compellability of witnesses) shall apply as it applies to civil proceedings except that the relevant person shall have no privilege against self-incrimination.

(6)–(9) [...<sup>1</sup>]

Finality of decisions.

**17.**—(1) Subject to the provisions of this Chapter [<sup>1</sup>and to any provision made by or under Chapter 2 of Part 1 of the Tribunals, Courts and Enforcement Act 2007], any decision made in accordance with the foregoing provisions of this Chapter shall be final; and subject to the provisions of any regulations under section 11 above, any decision made in accordance with those regulations shall be final.

*See reg. 3 of S.I. 2016/1078 for modifications to s. 17(1) & (2). in relation to childcare payment appeals as from 30.11.16.*

(2) If and to the extent that regulations so provide, any finding of fact or other determination embodied in or necessary to such a decision, or on which such a decision is based, shall be conclusive for the purposes of—

(a) further such decisions;

(b) decisions made under the Child Support Act; and

(c) decisions made under the Vaccine Damage Payments Act.

*See reg. 3 of S.I. 2016/1078 for modifications to s. 17(1) & (2). in relation to childcare payment appeals as from 30.11.16.*

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<sup>1</sup> S. 16(2), 16(3)(a), 16(6)–(9) omitted and words inserted in s. 17(1) (3.11.08) by S.I. 2008/2833, arts. 154 & 155.

- 18.—(1) Regulations may make provision as respects matters arising—
- (a) pending any decision under this Chapter of the Secretary of State, an appeal tribunal or a Commissioner which relates to—
    - (i) any claim for a relevant benefit; [or<sup>1</sup>]
    - (ii) any person’s entitlement to such a benefit or its receipt; [or<sup>1</sup>]
    - (iii) [...<sup>1</sup>]
    - (iv) [...<sup>1</sup>]
  - (b) out of the revision under section 9 above or on appeal of any such decision.

Matters arising as respects decision.

(2) Regulations under subsection (1) above as it applies to child benefit may include provision as to the date from which child benefit is to be payable to a person in respect of a child [²or qualifying young person] in a case where, before the benefit was awarded to that person, child benefit in respect of the child [²or qualifying young person] was awarded to another person.

*Medical examinations*

- 19.—(1) Before making a decision on a claim for a relevant benefit, or as to a person’s entitlement to such a benefit [...<sup>3</sup>] the Secretary of State may refer the person—
- (a) in respect of whom the claim is made; or
  - (b) whose entitlement is at issue,

Medical examinations required by Secretary of State.

to a [⁴health care professional approved by the Secretary of State] for such examination and report as appears to the Secretary of State to be necessary for the purpose of providing him with information for use in making the decision.

- (2) Subsection (3) below applies where—
- (a) the Secretary of State has exercised the power conferred on him by subsection (1) above; and
  - (b) the [⁴health care professional approved by the Secretary of State] requests the person referred to him to attend for or submit himself to medical examination.

(3) If the person fails without good cause to comply with the request, the Secretary of State shall make the decision against him.

20.—(1) This section applies where an appeal has been brought under section 12 above against a decision on a claim for a relevant benefit, or as to a person’s entitlement to such a benefit [...<sup>3</sup>].

Medical examination required by appeal tribunal.

- (2) [⁵The First-tier Tribunal may, if conditions prescribed by Tribunal Procedure Rules] are satisfied, refer the person—
- (a) in respect of whom the claim is made; or
  - (b) whose entitlement is at issue,

to a [⁴health care professional approved by the Secretary of State] for such examination and report as appears to [⁵the First-tier Tribunal] to be necessary for the purpose of providing [³it] with information for use in determining the appeal.

[...<sup>5</sup>].

<sup>1</sup> Words in s. 18(1) inserted and 18(1)(a)(iii) & (iv) omitted (1.4.99) by the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2), Sch. 7, para. 29.

<sup>2</sup> Words inserted in s.18(2) (10.4.05) by Child Benefit Act 2005 (c. 6), Sch. 1, para. 26.

<sup>3</sup> Words in s. 19(1) & 20(1) deleted (1.4.99) by Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2), Sch. 7, para. 30 & 31.

<sup>4</sup> Words substituted in s.s. 19 & 20 by the Welfare Reform Act 2007 (c. 5), s. 62.

<sup>5</sup> Words substituted and omitted in s. 20(2) (3.11.08) by S.I. 2008/2833, art. 157(a).

## SOCIAL SECURITY ACT 1998 (c. 14)

### Ss. 20-21

[<sup>1</sup>(2A) The power under subsection (2) to refer a person to a health care professional approved by the Secretary of State includes power to specify the description of health care professional to whom the person is to be referred.]

(3) At a hearing before [<sup>2</sup>the First-tier Tribunal, except in cases or circumstances, prescribed by Tribunal Procedure Rules,] the tribunal—

- (a) may not carry out a physical examination of the person mentioned in subsection (2) above; and
- (b) may not require that person to undergo any physical test for the purpose of determining whether he satisfies the condition mentioned in section 73(1)(a) of the Contributions and Benefits Act.

Travelling and other allowances

[<sup>2</sup>20A.—(1) The Lord Chancellor may pay to any person required under this Part (whether for the purposes of this Part or otherwise) to attend for or to submit to medical or other examination or treatment such travelling and other allowances as the Lord Chancellor may determine.

(2) In subsection (1) the reference to travelling and other allowances includes compensation for loss of remunerative time but such compensation shall not be paid to any person in respect of any time during which the person is in receipt of remuneration under section 28 of, or paragraph 5 of Schedule 2 to, the Tribunals, Court and Enforcement Act 2007 (assessors and judges of First-Tier Tribunal).]

#### *Suspension and termination of benefit*

Suspension in prescribed circumstances.

21.—(1) Regulations may provide for—

- (a) suspending payments of a relevant benefit, in whole or in part, in prescribed circumstances;
- (b) the subsequent making in prescribed circumstances of any or all of the payments so suspended.

(2) Regulations made under subsection (1) above may, in particular, make provision for any case where—

- (a) it appears to the Secretary of State that an issue arises whether the conditions for entitlement to a relevant benefit are or were fulfilled;
- (b) it appears to the Secretary of State that an issue arises whether a decision as to an award of a relevant benefit should be revised (under section 9 above) or superseded (under section 10 above);
- (c) an appeal is pending against a decision of [<sup>2</sup>the First-tier Tribunal, the Upper Tribunal] or a court; or
- (d) an appeal is pending against the decision given in a different case by [<sup>2</sup>the Upper Tribunal] or a court, and it appears to the Secretary of State that if the appeal were to be determined in a particular way an issue would arise whether the award of a relevant benefit (whether the same benefit or not) in the case itself ought to be revised or superseded.

(3) For the purposes of subsection (2) above, an appeal against a decision is pending if—

- (a) an appeal against the decision has been brought but not determined;
- (b) an application for [<sup>2</sup>permission] leave to appeal against the decision has been made but not determined; or

<sup>1</sup> S. 20(2A) inserted (3.7.07) by the Welfare Reform Act 2007 (c. 5), s. 62.

<sup>2</sup> Words substituted in s. 20(3), 21(2)(c) & (d), (3) & s. 20A inserted (3.11.08) by S.I. 2008/2833, arts. 158 & 159(a) & (b).

- (c) in such circumstances as may be prescribed, an appeal against the decision has not been brought (or, as the case may be, an application for [<sup>1</sup>permission] to appeal against the decision has not been made) but the time for doing so has not yet expired.

(4) [...<sup>2</sup>].

**22.—**(1) The powers conferred by this section are exercisable in relation to persons who fail to comply with information requirements.

Suspension for failure to furnish information etc.

(2) Regulations may provide for—

- (a) suspending payments of a relevant benefit, in whole or in part;
- (b) the subsequent making in prescribed circumstances of any or all of the payments so suspended.

(3) In this section and section 23 below “information requirement” means a requirement, made in pursuance of regulations under [<sup>3</sup>section 5(1A)] of the Administration Act, to furnish information or evidence needed for a determination whether a decision on an award of benefit to which that section applies should be revised under section 9 or superseded under section 10 above.

[<sup>4</sup>(4) Subsection (3A) of section 5 of the Administration Act (which glosses paragraph (hh) in the case of state pension credit) shall apply in relation to subsection (3) above as it applies in relation to paragraph (hh) of subsection (1) of that section.]

**23.** Regulations may provide that, except in prescribed cases or circumstances, a person—

Termination in cases of failure to furnish information.

- (a) whose benefit has been suspended in accordance with regulations under section 21 above and who subsequently fails to comply with an information requirement; or
- (b) whose benefit has been suspended in accordance with regulations under section 22 above for failing to comply with such a requirement,

shall cease to be entitled to the benefit from a date not earlier than the date on which payments were suspended.

**24.** Regulations may make provision—

Suspension and termination for failure to submit to medical examination.

- (a) enabling the Secretary of State to require a person to whom a relevant benefit has been awarded to submit to medical examination;
- (b) for suspending payments of benefit, in whole or in part, in a case of a person who fails to submit himself to a medical examination to which he is required to submit in accordance with regulations under paragraph (a) above;
- (c) for the subsequent making in prescribed circumstances of any or all of the payments so suspended;
- (d) for entitlement to the benefit to cease, except in prescribed cases or circumstances, from a date not earlier than the date on which payments were suspended.

<sup>1</sup> Words substituted in s. 21(3)(c) (3.11.08) by S.I. 2008/2833, arts. 159(b).

<sup>2</sup> S. 21(4) shall cease to have effect (1.4.99) by Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2) Sch. 7, para. 32.

<sup>3</sup> Words in s. 22(3) substituted (25.2.13) by the Welfare Reform Act 2012 (c. 5), s. 99(5).

<sup>4</sup> Subsection (4) inserted in s. 22 (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16) Sch. 1, para. 8.

## SOCIAL SECURITY ACT 1998 (c. 14)

### Ss. 24A-25

*[<sup>1</sup>Appeals dependent on issues falling to be decided by Inland Revenue*

Appeals dependent on issues falling to be decided by Inland Revenue.

**24A.**—(1) Regulations may make provision for [<sup>2</sup>the First-tier Tribunal or Upper Tribunal], where on any appeal there arises any issue which under section 8 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 falls to be decided by the Inland Revenue, to require the Secretary of State to refer the issue to the Inland Revenue.

(2) Regulations under this section may—

- (a) provide for the appeal to be referred to the Secretary of State pending the decision by an officer to the Inland Revenue,
- (b) enable or require the Secretary of State, in specified circumstances, to deal with any other issue arising on the appeal pending the decision on the referred issue, and
- (c) enable the Secretary of State, on receiving the decision of an officer of the Inland Revenue, or any determination of the [<sup>3</sup>First-tier Tribunal or Upper Tribunal] made on an appeal from his decision—
  - (i) to revise his decision,
  - (ii) to make a decision superseding his decision, or
  - (iii) to refer the appeal to the [<sup>2</sup>First-tier Tribunal or Upper Tribunal] for determination.]

*Decisions and appeals dependent on other cases*

Decisions involving issues that arise on appeal in other cases.

**25.**—(1) This section applies where—

- (a) a decision by the Secretary of State falls to be made under section 8, 9 or 10 above in relation to a particular case; and
- (b) an appeal is pending against the decision given in another case by [<sup>2</sup>the Upper Tribunal] or a court (whether or not the two cases concern the same benefit).

(2) In a case relating to a relevant benefit, the Secretary of State need not make the decision while the appeal is pending if he considers it possible that the result of the appeal will be such that, if it were already determined, there would be no entitlement to benefit.

(3) If the Secretary of State considers it possible that the result of the appeal will be such that, if it were already determined, it would affect the decision in some other way—

- (a) he need not, except in such cases or circumstances as may be prescribed, make the decision while the appeal is pending;
- (b) he may, in such cases or circumstances as may be prescribed, make the decision on such basis as may be prescribed.

(4) Where the Secretary of State acts in accordance with subsection (3)(b) above, following the determination of the appeal he shall if appropriate revise his decision (under section 9 above) in accordance with that determination.

(5) For the purposes of this section, an appeal against a decision is pending if—

- (a) an appeal against the decision has been brought but not determined;
- (b) an application for leave to appeal against the decision has been made but not determined; or

<sup>1</sup> S. 24A inserted (5.7.99) by the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2), Sch. 7, para. 33.

<sup>2</sup> Words substituted in s. 24A(1), (2) & 25(1)(b) (3.11.08) by S.I. 2008/2833, arts. 160 & 161.

<sup>3</sup> Words substituted in s. 24A(2)(c) (1.4.09) by S.I. 2009/56, art. 249.

- (c) in such circumstances as may be prescribed, an appeal against the decision has not been brought (or, as the case may be, an application for leave to appeal against the decision has not been made) but the time for doing so has not yet expired.

(6) In paragraphs (a), (b) and (c) of subsection (5) above, any reference to an appeal, or an application for leave to appeal, against a decision includes a reference to—

- (a) an application for, or for leave to apply for, judicial review of the decision under section 31 of the Supreme Court Act 1981; or  
 (b) an application to the supervisory jurisdiction of the Court of Session in respect of the decision.

**26.—**(1) This section applies where—

- (a) an appeal (“appeal A”) in relation to a decision under section 8, 9 or 10 above is made to [<sup>1</sup>the First-tier Tribunal, or from an First-tier Tribunal to the Upper Tribunal]; and  
 (b) an appeal (“appeal B”) is pending against a decision given in a different case by [<sup>1</sup>the Upper Tribunal] or a court (whether or not the two appeals concern the same benefit).

Appeals involving issues that arise on appeal in other cases.

(2) If the Secretary of State considers it possible that the result of appeal B will be such that, if it were already determined, it would affect the determination of appeal A, he may serve notice requiring the [<sup>1</sup>First-tier Tribunal or Upper Tribunal]—

- (a) not to determine appeal A but to refer it to him; or  
 (b) to deal with the appeal in accordance with subsection (4) below.

(3) Where appeal A is referred to the Secretary of State under subsection (2)(a) above, following the determination of appeal B and in accordance with that determination, he shall if appropriate—

- (a) in a case where appeal A has not been determined by the [<sup>1</sup>First-tier Tribunal], revise (under section 9 above) his decision which gave rise to that appeal; or  
 (b) in a case where appeal A has been determined by the [<sup>1</sup>First-tier Tribunal], make a decision (under section 10 above) superseding the tribunal’s decision.

(4) Where appeal A is to be dealt with in accordance with this subsection, the [<sup>1</sup>First-tier Tribunal or Upper Tribunal] shall either—

- (a) stay appeal A until appeal B is determined; or  
 (b) if the [<sup>1</sup>First-tier Tribunal or Upper Tribunal] considers it to be in the interests of the appellant to do so, determine appeal A as if—  
 (i) appeal B had already been determined; and  
 (ii) the issues arising on appeal B had been decided in the way that was most unfavourable to the appellant.

In this subsection “the appellant” means the person who appealed or, as the case may be, first appealed against the decision mentioned in subsection (1)(a) above.

(5) Where the [<sup>1</sup>First-tier Tribunal or Upper Tribunal] acts in accordance with subsection (4)(b) above, following the determination of appeal B the Secretary of State shall, if appropriate, make a decision (under section 10 above) superseding the decision of the tribunal or Commissioner in accordance with that determination.

(6) For the purposes of this section, an appeal against a decision is pending if—

- (a) an appeal against the decision has been brought but not determined;  
 (b) an application for leave to appeal against the decision has been made but not determined; or

<sup>1</sup> Words in Ss. 26(1)-(5) substituted (3.11.08) by S.I. 2008/2833, art. 162(2)-(6).

## SOCIAL SECURITY ACT 1998 (c. 14)

### Ss. 26-27

(c) in such circumstances as may be prescribed, an appeal against the decision has not been brought (or, as the case may be, an application for leave to appeal against the decision has not been made) but the time for doing so has not yet expired.

(7) In this section—

(a) the reference in subsection (1)(a) above to an appeal to [<sup>1</sup>the Upper Tribunal] includes a reference to an application for leave to appeal to [<sup>1</sup>the Upper Tribunal]; and

(b) any reference in paragraph (a), (b) or (c) of subsection (6) above to an appeal, or to an application for leave to appeal, against a decision includes a reference to—

(i) an application for, or for leave to apply for, judicial review of the decision under section 31 of the Supreme Court Act 1981; or

(ii) an application to the supervisory jurisdiction of the Court of Session in respect of the decision.

(8) Regulations may make provision supplementing that made by this section.

#### *Cases of error*

Restrictions on entitlement to benefit in certain cases of error.

27.—(1) Subject to subsection (2) below, this section applies where—

(a) the effect of the determination, whenever made, of an appeal to [<sup>1</sup>the Upper Tribunal] or the court (“the relevant determination”) is that the adjudicating authority’s decision out of which the appeal arose was erroneous in point of law; and

(b) after the date of the relevant determination a decision falls to be made by the Secretary of State in accordance with that determination (or would, apart from this section, fall to be so made)—

(i) in relation to a claim for benefit;

(ii) as to whether to revise, under section 9 above, a decision as to a person’s entitlement to benefit; or

(iii) on an application made under section 10 above for a decision as to a person’s entitlement to benefit to be superseded.

(2) This section does not apply where the decision of the Secretary of State mentioned in subsection (1)(b) above—

(a) is one which, but for section 25(2) or (3)(a) above, would have been made before the date of the relevant determination; or

(b) is one made in pursuance of section 26(3) or (5) above.

(3) In so far as the decision relates to a person’s entitlement to a benefit in respect of—

(a) a period before the date of the relevant determination; or

(b) in the case of a widow’s payment, a death occurring before that date,

it shall be made as if the adjudicating authority’s decision had been found by [the Upper Tribunal] or court not to have been erroneous in point of law.

(4) In deciding whether a person is entitled to benefit in a case where his entitlement depends on his having been entitled to the same or some other benefit before attaining a particular age, subsection (3) above shall be disregarded for the purpose only of deciding whether he was so entitled before attaining that age.

(5) Subsection (1)(a) above shall be read as including a case where—

(a) the effect of the relevant determination is that part or all of a purported regulation or order is invalid; and

<sup>1</sup> Words substituted in s. 26(7), 27(1)(a) & (3) (3.11.08) by S.I. 2008/2833, arts. 162(7) & 163.

- (b) the error of law made by the adjudicating authority was to act on the basis that the purported regulation or order (or the part held to be invalid) was valid.
- (6) It is immaterial for the purposes of subsection (1) above—
- (a) where such a decision as is mentioned in paragraph (b)(i) falls to be made, whether the claim was made before or after the date of the relevant determination;
- (b) where such a decision as is mentioned in paragraph (b)(ii) or (iii) falls to be made on an application under section 9 or (as the case may be) 10 above, whether the application was made before or after that date.
- (7) In this section—
- “adjudicating authority” means—
- (a) the Secretary of State;
- (b) any former officer, tribunal or body; or
- (c) any officer, tribunal or body in Northern Ireland corresponding to a former officer, tribunal or body;
- “benefit” means—
- (a) benefit under Parts II to V of the Contributions and Benefits Act, other than Old Cases payments;
- (b) benefit under Part II of the Social Security Act 1975 (in respect of a period before 1st July 1992 but not before 6th April 1975);
- (c) benefit under the National Insurance Act 1946 or 1965, or the National Insurance (Industrial Injuries) Act 1946 or 1965 (in respect of a period before 6th April 1975);
- (d) a jobseeker’s allowance;
- [<sup>1</sup>(dd) state pension credit;]
- [<sup>2</sup>(de) an employment and support allowance;]
- [<sup>3</sup>(df) personal independence payment;]
- [<sup>4</sup>(dg) bereavement support payment under section 30 of the Pensions Act 2014;]
- (e) any benefit corresponding to a benefit mentioned in [<sup>1</sup>paragraphs (a) [<sup>4</sup>to (dg)] above]; and
- (f) any income-related benefit;
- [<sup>5</sup>(ff) universal credit]
- “the court” means the High Court, the Court of Appeal, the Court of Session, the High Court or Court of Appeal in Northern Ireland, the House of Lords or the Court of Justice of the European Community;
- “former officer, tribunal or body” means any of the following, that is to say—
- (a) an adjudication officer or, in the case of a decision given on a reference under section 21(2) or 25(1) of the Administration Act, a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal;
- (b) an adjudicating medical practitioner appointed under section 49 of that Act or a specially qualified adjudicating medical practitioner appointed in accordance with regulations under section 62(2) of that Act; or
- (c) the National Assistance Board, the Supplementary Benefits Commission, the Attendance Allowance Board, a benefit officer, an insurance officer or a supplement officer.

<sup>1</sup> Para. (dd) inserted & words in (e) substituted in s. 27(7) (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 9.

<sup>2</sup> S. 27(7)(de) inserted (27.10.08) by Sch. 3, para. 17(5) of the Welfare Reform Act 2007 (c. 5).

<sup>3</sup> S. 27(7) (df) inserted & words in subsec. (e) substituted in defn. of “benefit” (25.2.13 for reg. making purposes) by the Welfare Reform Act 2012 (c. 5), Sch. 9, para. 41.

<sup>4</sup> S. 27(7)(dg) & words in sub-para. (e) inserted & substituted (6.4.17) by s. 31 & Sch. 16, para. 41 to the Pensions Act 2014 (c. 19).

<sup>5</sup> S. 27(7)(ff) inserted in the defn. of “benefit” (25.2.13 for reg. making purposes) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 47.

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(8) For the purposes of this section, any reference to entitlement to benefit includes a reference to entitlement—

- (a) to any increase in the rate of a benefit; or
- (b) to a benefit, or increase of benefit, at a particular rate.

(9) The date of the relevant determination shall, in prescribed cases, be determined for the purposes of this section in accordance with any regulations made for that purpose.

(10) Regulations made under subsection (9) above may include provision—

- (a) for a determination of a higher court to be treated as if it had been made on the date of a determination of a lower court or a Commissioner; or
- (b) for a determination of a lower court or a Commissioner to be treated as if it had been made on the date of a determination of a higher court.

Correction of errors and setting aside of decisions.

**28.—**(1) Regulations may make provision with respect to—

- (a) the correction of accidental errors in any decision [<sup>1</sup>of the Secretary of State] or record of a decision [<sup>1</sup>of the Secretary of State] made under any relevant enactment; [...<sup>1</sup>].

[<sup>2</sup>(1A) In subsection (1) “decision” does not include [<sup>1</sup>any decision of the First-tier Tribunal or] any decision made by an officer of the Inland Revenue, other than a decision under or by virtue of Part III of the Pension Schemes Act 1993.]

(2) Nothing in subsection (1) above shall be construed as derogating from any power to correct errors [...<sup>1</sup>] which is exercisable apart from regulations made by virtue of that subsection.

(3) In this section “relevant enactment” means any enactment contained in—

- (a) this Chapter;
- (b) the Contributions and Benefits Act;
- (c) the Pension Schemes Act 1993;
- (d) the Jobseekers Act; or
- (e) the Social Security (Recovery of Benefits) Act 1997 [<sup>3</sup>; or
- (f) the State Pension Credit Act 2002] [<sup>4</sup>; [...<sup>5</sup>]
- (g) Part 1 of the Welfare Reform Act 2007]
- [<sup>5</sup>(h) Part 1 of the Welfare Reform Act 2012;]
- [<sup>6</sup>(i) Part 4 of that Act]; [or

(j) *Part 1 of the Pensions Act 2014*; [<sup>8</sup>or section 30 of that Act]

#### *Industrial accidents*

Decision that accident is an industrial accident.

**29.—**(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

<sup>1</sup> Words inserted, substituted and deleted in s. 28(1) & (2) & s. 29(3) & s. 28(1A) added (3.11.08) by S.I. 2008/2833, art. 164 & 165.

<sup>2</sup> S. 28(1A) inserted (5.7.99) by the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2), para. 34 of Sch. 7.

<sup>3</sup> Word & para. (f) inserted in s. 28(3) (2.7.02) for the purposes of exercising power to make regulations & orders or (7.4.03) for all other purposes by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 10.

<sup>4</sup> Words inserted in s. 28(3) (27.10.08) by Sch. 3, para. 17(6) of the Welfare Reform Act 2007 (c. 5).

<sup>5</sup> Words in S. 28(3)(f) repealed & para. (h) inserted (25.2.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 48.

<sup>6</sup> S. 28(3)(i) inserted (25.2.13) by the Welfare Reform Act 2012 (c. 5), Sch. 9, para. 42.

<sup>7</sup> S. 28(3)(j) inserted (prospective) by s. 23 & Sch. 12, para. 36(b) to the Pensions Act 2014.

<sup>8</sup> Words in s. 28(3)(j) inserted (6.4.17 - in force for Bereavement Support Payments) by s. 31 & Sch. 16, para. 42 to the Pensions Act 2014.

- (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.

(2) Subject to subsection (3) and section 30 below, any person suffering personal injury by accident shall be entitled, if he claims the accident was an industrial accident—

- (a) to have that issue decided; and  
(b) to have a declaration made and recorded accordingly,

notwithstanding that no claim for benefit has been made in connection with which the issue arises; and this Chapter shall apply for that purpose as if the issue had arisen in connection with a claim for benefit.

(3) The Secretary of State [<sup>1</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—

- (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.

**30.—(1)** A decision [...<sup>2</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.

Effect of decision.

(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.

<sup>1</sup> Words inserted, substituted and deleted in s. 28(1) & (2) & s. 29(3) & s. 28(1A) added (3.11.08) by S.I. 2008/2833, art. 164 & 165.

<sup>2</sup> Words in S. 30(1) repealed (5.12.12) by s. 68(2) of the Welfare Reform Act 2012 (c. 5).

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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.

#### *Other special cases*

Incapacity for work.

**31.**—(1) Regulations may provide that a determination that a person is disqualified for any period in accordance with regulations under section 171E of the Contributions and Benefits Act shall have effect for such purposes as may be prescribed as a determination that he is to be treated as capable of work for that period, and vice versa.

[<sup>1</sup>(1A) Regulations may provide that a determination that a person is disqualified for any period in accordance with regulations under section 18(1) to (3) of the Welfare Reform Act 2007 shall have effect for such purposes as may be prescribed as a determination that he is to be treated as not having limited capability for work for that period, and vice versa.]

(2) Provision may be made by regulations for matters of such descriptions as may be prescribed to be determined by the Secretary of State, notwithstanding that other matters fall to be determined by another authority.

(3) Nothing in this section shall be taken to prejudice the generality of the power conferred by section 17(2) above.

Industrial diseases.

**32.** Regulations shall provide for applying the provisions of this Chapter, subject to any prescribed additions or modifications, in relation to decisions made or falling to be made under sections 108 to 110 of the Contributions and Benefits Act.

*Christmas bonus.*

**33.**—(1) *A decision by the Secretary of State that a person is entitled or not entitled to payment of a qualifying benefit in respect of a period which includes a day in the relevant week shall be conclusive for the purposes of section 148 of the Contributions and Benefits Act.*

(2) *In this section, expressions to which a meaning is assigned by section 150 of that Act have that meaning.*

#### *Housing benefit and council tax benefit*

*S. 34 has been repealed by Sch. 14 of the Welfare Reform Act 2012 (c. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.*

[...<sup>2</sup>]

Determination of claims and reviews.

**34.**—(1) Regulations shall provide that, where a person claims—

- (a) housing benefit; or
- (b) council tax benefit,

the authority to whom the claim is made shall notify the person of its determination of the claim.

(2) Any such notification shall be given in such form as may be prescribed.

(3) Regulations may make provision requiring authorities to whom claims for housing benefit or council tax benefit are made by, or in respect of, persons who have been entitled to a jobseeker's allowance or to income support [<sup>3</sup>or state pension credit] to give priority, in prescribed circumstances, to those claims over other claims for any such benefit.

[...<sup>4</sup>]

<sup>1</sup> Subsection (1A) inserted (27.10.08) in s. 31 by Sch. 3, para. 17(7) of the Welfare Reform Act 2007 (c. 5).

<sup>2</sup> S. 34 repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14.

<sup>3</sup> Words inserted in s. 34(3) (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16), Sch. 2, para. 41.

<sup>4</sup> S. 34(4), 34(5) repealed (2.7.01), for all purposes except those specified in art. 2(3) of S.I. 2001/1252, by s. 85 of the Child Support, Pensions and Social Security Act 2000 (c. 19).

*Subsections (4) and (5) of s. 34 and s. 35 repealed (2.7.01), by s. 85 of the Child Support, Pensions and Social Security Act 2000 (c. 19), but remain in force for the purposes specified in art. 2(3) of S.I. 2001/1252, and are reproduced here temporarily.*

*(4) Regulations shall make provision for reviews of determinations relating to housing benefit or council tax benefit.*

*(5) Regulations may make provision as respects matters arising out of the revision on review of such determinations.*

**35.** — (1) *Regulations may provide for—*

- (a) suspending in prescribed circumstances, in whole or in part—*
  - (i) payments of housing benefit or council tax benefit; or*
  - (ii) any right (exercisable by way of council tax benefit) to make a reduction in the amount that a person is or becomes liable to pay in respect of council tax;*
- (b) the subsequent making, or restoring, in prescribed circumstances of any or all of the payments, or any right, so suspended.*

*Suspension of benefit in prescribed circumstances.*

*(2) Regulations made under subsection (1) above may, in particular, make provision for any case where, in relation to a claim for housing benefit or council tax benefit—*

- (a) it appears to the authority that an issue arises whether the conditions for entitlement to the benefit are or were fulfilled;*
- (b) it appears to the authority that an issue arises whether the determination of the claim should be reviewed in accordance with regulations made under section 34(4) above;*
- (c) an appeal is pending to a court in relation to the determination of the claim; or*
- (d) an appeal is pending to a court in relation to the determination (whether made by the authority or by any other authority) of a different claim for housing benefit or council tax benefit, and it appears to the authority that if the appeal were to be determined in a particular way an issue would arise whether the determination of the claim ought to be reviewed.*

*(3) For the purposes of subsection (2) above, an appeal is pending to a court in England and Wales in relation to a determination if—*

- (a) an application, or a renewed application, for leave to apply for judicial review of the determination has been made but not determined;*
- (b) such leave has been granted but the application for judicial review has not been determined;*
- (c) an appeal has been brought (or an application has been made for leave to appeal) against an order made on a judicial review of the determination, and the appeal (or application) has not been determined; or*
- (d) in such circumstances as may be prescribed, the time for making an application or appeal such as is mentioned in paragraph (a) or (c) above has not yet expired.*

*(4) For the purposes of subsection (2) above, an appeal is pending to a court in Scotland in relation to a determination if—*

- (a) an application to the supervisory jurisdiction of the Court of Session has been made in respect of the determination and the application has not been determined;*

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- (b) *an appeal has been brought against an order made on such an application and the appeal has not been determined;*
- (c) *in such circumstances as may be prescribed, an application such as is mentioned in paragraph (a) above has not been made in respect of the determination and a period prescribed for the purposes of this section for making such an application has not expired; or*
- (d) *in such circumstances as may be prescribed, the time for making an appeal such as is mentioned in paragraph (b) above has not yet expired.*

*Social fund payments*

*S. 36 has been repealed by Sch. 14 of the Welfare Reform Act 2012 (c. 5), but kept in force for transitional purposes. See art. 3 of S.I. 2012/3090 for details of when to apply.*

*Appropriate officers.*

**36. [...<sup>1</sup>]**

**36.—**(1) In this section and section 38 below, “appropriate officer” means an officer of the Secretary of State who, acting under his authority, is exercising functions of the Secretary of State in relation to such payments out of the social fund as are mentioned in section 138(1)(b) of the Contributions and Benefits Act.

(2) The Secretary of State may nominate for an area an appropriate officer who shall issue general guidance to other such officers in the area about such matters relating to the social fund as the Secretary of State may specify.

(3) In relation to any decision of an appropriate officer, section 38 below shall apply in substitution for sections 9 and 10 above.

**37. [...<sup>2</sup>]**

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<sup>1</sup> S. 36 repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14, pt. 8.

<sup>2</sup> S. 37 repealed (1.8.13) by the Welfare Reform Act 2012 (c. 5).

*S. 38 has been repealed by Sch. 14, part 8 of the Welfare Reform Act 2012 (c. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2012/3090 for details of when to apply.*

[...<sup>1</sup>]

**38.—(1) An appropriate officer—**

- (a) shall review a social fund determination, if an application for a review is made, within such time and in such form and manner as may be prescribed, by or on behalf of the person who applied for the payment to which the determination relates;
- (b) may review such a determination on the ground that the person who applied for the payment to which the determination relates misrepresented, or failed to disclose, any material fact; and
- (c) may review such a determination in such other circumstances as he thinks fit.

Reviews of determinations.

(2) The power to review a social fund determination conferred by subsection (1) above includes power to review a determination made on a previous review.

(3) A social fund determination which has been reviewed under subsection (1) above shall be further reviewed by a social fund inspector if an application is made, within such time and in such form and manner as may be prescribed, by or on behalf of the person who applied for the payment to which the determination relates.

(4) On a review under subsection (3) above a social fund inspector shall have the following powers—

- (a) power to confirm the determination made by the appropriate officer;
- (b) power to make any determination which an appropriate officer could have made;
- (c) power to refer the matter to such an officer for determination.

(5) A social fund inspector may review a determination under subsection (3) above made by himself or some other social fund inspector.

(6) In making a determination on a review an appropriate officer or a social fund inspector need not consider—

- (a) in the case of a determination on a review under subsection (1)(a) above, any issue that is not raised by the application;
- (b) in the case of a determination on a review under subsection (1)(b) above, any issue that is not raised by the material fact;
- (c) in the case of a determination on a review under subsection (1)(c) above, any issue that did not cause him to carry out the review.

(7) In making a determination on a review under subsection (1)(a) or (c) above an appropriate officer or a social fund inspector shall—

- (a) subject to paragraphs (b) and (c) below, have regard to whichever of the following are applicable, namely—
  - (i) all the circumstances of the case and, in particular, the criteria specified in paragraphs (a) to (e) of subsection (1) of section 140 of the Contributions and Benefits Act; <sup>2</sup>and]
  - (ii) the criteria mentioned in paragraphs (a) and (b) of subsection (1A) of that section; and

<sup>1</sup> S. 38 repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 8, pt. 8.

<sup>2</sup> Word inserted in s. 38(7)(a)(i) (3.7.07) by the Welfare Reform Act 2007 (c. 5), Sch. 7, para. 4.

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- (iii) the criterion specified in directions issued by the Secretary of State under that subsection and the criteria mentioned in paragraph (b) of that subsection;
  - (b) act in accordance with any general directions issued by the Secretary of State under subsection (2) of that section, and any general directions issued by him with regard to reviews; and
  - (c) take account of any general guidance issued by the Secretary of State under that subsection or with regard to reviews.
- (8) In making a determination on a review under subsection (1)(b) above an appropriate officer or a social fund inspector shall—
- (a) act in accordance with any general directions issued by the Secretary of State; and
  - (b) take account of any general guidance issued by the Secretary of State.
- (9) Any reference in subsection (6), (7) or (8) above to a determination on a review under a particular provision of subsection (1) above shall be construed, in relation to a social fund inspector, as a reference to a determination on a further review of a determination which has been reviewed under that provision.
- (10) Directions under this section may specify—
- (a) the circumstances in which a social fund determination is to be reviewed; and
  - (b) the manner in which a review is to be conducted.
- (11) In making a determination on a review under subsection (1)(a) or (c) above an appropriate officer shall take account (subject to any directions or guidance issued by the Secretary of State under this section) of any guidance issued by the appropriate officer nominated for his area under section 36(2) above.
- (12) A social fund inspector reviewing a social fund determination which has been reviewed under subsection (1)(a) or (c) above shall be under the same duties in relation to such guidance as the appropriate officer or social fund inspector who made the determination.
- (13) In this section “social fund determination” means a determination made under the Contributions and Benefits Act by an appropriate officer.

*Supplemental*

Certificates

[<sup>1</sup>**39ZA**.—A document bearing a certificate which—

- (a) is signed by a person authorised in that behalf by the Secretary of State, and
- (b) states that the document, apart from the certificate, is a record of a decision of an officer of the Secretary of State,

shall be conclusive evidence of the decision; and a certificate purporting to be so signed shall be deemed to be so signed unless the contrary is proved.]

Interpretation etc. of Chapter II.

**39**.—(1) In this Chapter—

[...<sup>2</sup>]

[<sup>3</sup>“claimant”, in relation to a joint-claim couple claiming a joint-claim jobseeker’s allowance (within the meaning of the Jobseekers Act 1995) means the couple or either member of the couple;]

[...<sup>2</sup>]

<sup>1</sup> S. 39ZA inserted (3.11.08) by S.I. 2008/2833, art. 166.

<sup>2</sup> Defn. of “appeal tribunal” & “commissioner” omitted (3.11.08) by S.I. 2008/2833, art. 167.

<sup>3</sup> Defn. of “claimant” inserted (19.3.01) in s. 39(1) by the Welfare Reform and Pensions Act 1999 (c. 30), Sch. 7, para. 17.

[<sup>1</sup>“claimant”, in relation to a couple jointly claiming universal credit,]

[<sup>2</sup>“health care professional” means–

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Care Act 1999, or
- (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as the Secretary of State may prescribe;]

“relevant benefit” has the meaning given by section 8(3) above.

[...<sup>3</sup>]

(2) Expressions used in this Chapter to which a meaning is assigned by section 191 of the Administration Act have that meaning in this Chapter.

(3) Part II of the Administration Act, which is superseded by the foregoing provisions of this Chapter, shall cease to have effect.

CHAPTER III  
OTHER DECISIONS AND APPEALS

*Child support*

<b>40-44.</b>	.....amends statute outside the scope of this volume
<b>45-47.</b>	.....amends 1979 (c. 17), see Annex 1, page 1.3301
<b>48-59.</b>	.....amends 1992 (c. 4), see Annex 1, page 1.3301
<b>60-66.</b>	.....amends 1992 (c. 5), see Annex 1, page 1.3301
<b>67-73.</b>	.....amends 1992 (c. 4), see Annex 1, page 1.3301
<b>74-76.</b>	.....amends 1992 (c. 5), see Annex 1, page 1.3301

<sup>1</sup> Defn. of “claimant” inserted in s. 39(1) (25.2.13 for reg. making purposes) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 49.

<sup>2</sup> Defn. of “health care professional” inserted (3.7.07) by the Welfare Reform Act 2007, s. 62(5).

<sup>3</sup> Defn. of “tax appeal Commissioner” omitted (1.4.99) by S.I. 2009/56, art. 250.

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PART IV  
MISCELLANEOUS AND SUPPLEMENTAL

77.—(1) Any regulations to which this subsection applies may be made so as to have effect for a specified period not exceeding 12 months. Pilot schemes.

(2) Any regulations which, by virtue of subsection (1) above, are to have effect for a limited period are referred to in this section as “a pilot scheme”.

(3) A pilot scheme may provide that its provisions are to apply only in relation to—

- (a) one or more specified areas or localities;
- (b) one or more specified classes of person;
- (c) persons selected—
  - (i) by reference to prescribed criteria; or
  - (ii) on a sampling basis.

(4) A pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period.

(5) A pilot scheme (“the previous scheme”) may be replaced by a further pilot scheme making the same, or similar, provision (apart from the specified period) to that made by the previous scheme.

(6) In so far as a pilot scheme would, apart from this subsection, have the effect of—

- (a) treating as capable of work any person who would not otherwise be so treated; or
- (b) reducing the total amount of benefit that would otherwise be payable to any person,

it shall not apply in relation to that person.

(7) Subsection (1) above applies to—

- (a) regulations made under section 171D of the Contributions and Benefits Act (incapacity for work: persons treated as incapable of work); and
- (b) in so far as they are consequential on or supplementary to any such regulations, regulations made under any of the provisions mentioned in subsection (8) below.

(8) The provisions are—

- (a) subsection (5)(a) of section 22 of the Contributions and Benefits Act (earnings factors);
- (b) section 30C of that Act (incapacity benefit);
- [<sup>1</sup>(c) sections 68 and 69 of that Act (severe disablement allowance);]
- (d) subsection (1)(e) of section 124 of that Act (income support) and, so far as relating to income support, subsection (1) of section 135 of that Act (the applicable amount);
- (e) Part XIIA of that Act (incapacity for work);
- (f) section 61A of the Administration Act and section 31 above (incapacity for work).

(9) A statutory instrument containing (whether alone or with other provisions) a pilot scheme shall not be made unless a draft of the instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

<sup>1</sup> S. 77(8)(c) repealed (3.11.00 for reg. making purposes, 6.4.01 for all other purposes) by s. 88 of the Welfare Reform and Pensions Act 1999 (c. 30).

## SOCIAL SECURITY ACT 1998 (c. 14)

### Ss. 78-79

Expenditure for facilitating transfer of functions etc.

**78.—**(1) The Secretary of State and the Commissioners of Inland Revenue may incur expenditure in doing anything which in his or their opinion is appropriate for the purpose of facilitating either of the following things, namely—

- (a) the transfer to the Commissioners of such of the functions of the Secretary of State as are exercisable by the Contributions Agency; and
- (b) the exercise by the Commissioners of those functions.

(2) The powers conferred by subsection (1) above—

- (a) shall be exercisable whether or not Parliament has given any approval on which either of the things there mentioned depends; and
- (b) shall be without prejudice to any power conferred otherwise than by virtue of that subsection.

(3) Any expenditure incurred under this section shall be defrayed out of money provided by Parliament.

(4) In its application to Northern Ireland, this section shall have effect with the following modifications, namely—

- (a) for the first reference to the Secretary of State there shall be substituted a reference to the Department of Health and Social Services for Northern Ireland;
- (b) for the reference to such of the functions of the Secretary of State as are exercisable by the Contributions Agency there shall be substituted a reference to such of the functions of that Department as correspond to those functions; and
- (c) for the reference to money provided by Parliament there shall be substituted a reference to money appropriated by Measure of the Northern Ireland Assembly.

Regulations and orders.

**79.—**(1) [<sup>1</sup>subject to subsection (2A) below,] regulations under this Act shall be made by the Secretary of State.

(2) [...<sup>1</sup>].

[<sup>2</sup>(2A) Subsection (1) has effect subject to any provision providing for regulations to be made by the Treasury or the Commissioners of Inland Revenue.]

(3) Powers under this Act to make regulations or orders are exercisable by statutory instrument.

(4) Any power conferred by this Act to make regulations or orders may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case;
- (b) so as to make, as respects the cases in relation to which it is exercised—
  - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
  - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act;
  - (iii) any such provision either unconditionally or subject to any specified condition;

<sup>1</sup> Words in s. 79(1) substituted & 79(2) omitted (3.11.08) by S.I. 2008/2833, art. 168.

<sup>2</sup> Words in s. 79(1) substituted and subsection (2A) inserted (26.2.03, 1.4.03 and 7.4.03) by Sch. 4, para. 13 of the Tax Credits Act 2002 (c. 21).

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes.

(5) Powers to make regulations for the purposes of any one provision of this Act are without prejudice to powers to make regulations for the purposes of any other provision.

(6) Without prejudice to any specific provision in this Act, a power conferred by this Act to make regulations includes power to make thereby such incidental, supplementary, consequential or transitional provision as appears to the authority making the regulations to be expedient for the purposes of those regulations.

[<sup>1</sup>(6A)The provision referred to in subsection (6) includes, in a case where regulations under this Act require or authorise the use of electronic communications, provision referred to in section 8(4) and (5) and 9(5) of the Electronic Communications Act 2000.

(6B) For the purposes of subsection (6A), references in section 8(4) and (5) and 9(5) of the Electronic Communications Act 2000 to an order under section 8 of that Act are to be read as references to regulations under this Act; and references to anything authorised by such an order are to be read as references to anything required or authorised by such regulations.]

(7) Without prejudice to any specific provisions in this Act, a power conferred by any provision of this Act to make regulations includes power to provide for a person to exercise a discretion in dealing with any matter.

*S. 79(8) has been repealed by Sch. 14 of the Welfare Reform Act 2012 (c. 5), but kept in force for transitional purposes. See art. 9 of S.I. 2013/358 for details of when to apply.*

[...<sup>2</sup>]

(8) Any power conferred by this Act to make regulations relating to housing benefit or council tax benefit shall include power to make different provision for different areas or different authorities.

(9) [...<sup>3</sup>]

**80.—(1)** Subject to the provisions of this section, a statutory instrument containing (whether alone or with other provisions) regulations under—

Parliamentary control of regulations.

- (a) section [...<sup>3</sup>] 12(2) [<sup>1</sup>or (3A)] or 72 above; or
- (b) [...<sup>3</sup>] paragraph 9 of Schedule 2 [...<sup>3</sup>] to this Act,

shall not be made unless a draft of the instrument has been laid before Parliament and been approved by a resolution of each House of Parliament.

(2) A statutory instrument—

- (a) which contains (whether alone or with other provisions) regulations made under this Act by the Secretary of State [<sup>4</sup>, the Treasury or the Commissioners of Inland Revenue]; and
- (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) [...<sup>3</sup>]

<sup>1</sup> S. 79(6A) & (6B), & words inserted in s. 80(1)(a) (25.2.13) by the Welfare Reform Act 2012 (c. 5), s. 104(2) & s. 102(5).

<sup>2</sup> S. 79(8) repealed (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 14.

<sup>3</sup> S. 79(9) & words in s. 80(1)(a), (b) & (3) omitted (3.11.08) by S.I. 2008/2833, Sch. 3 para. 168-169.

<sup>4</sup> Words inserted in s. 80(2)(a) (26.2.03, 1.4.03 and 7.4.03) by Sch. 4, para. 14 of the Tax Credits Act 2002 (c. 21).

## SOCIAL SECURITY ACT 1998 (c. 14)

### Ss. 81-87

Reports by Secretary of State.  
Financial provisions.

**81.** [...<sup>1</sup>]

**82.**—(1) There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Secretary of State or the Lord Chancellor under or by virtue of this Act; and
- (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.

(2) There shall be paid out of or into the Consolidated Fund any increase attributable to this Act in the sums which under any other Act are payable out of or into that Fund.

Transitory provisions.

**83.** [...<sup>2</sup>]

Interpretation: general.

**84.** In this Act—

“the Administration Act” means the Social Security Administration Act 1992;

“the Child Support Act” means the Child Support Act 1991;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;

“the Jobseekers Act” means the Jobseekers Act 1995;

“the Vaccine Damage Payments Act” means the Vaccine Damage Payments Act 1979;

“prescribe” means prescribe by regulations.

Provision for Northern Ireland.

**85.** An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to those of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Minor and consequential amendments and repeals.

**86.**—(1) The enactments mentioned in Schedule 7 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.

(2) The enactments mentioned in Schedule 8 to this Act, which include some that are spent, are hereby repealed to the extent specified in the third column of that Schedule.

Short title, commencement and extent.

**87.**—(1) This Act may be cited as the Social Security Act 1998.

(2) This Act, except—

- (a) sections 66, 69, 72 and 77 to 85, this section and Schedule 6 to this Act; and
- (b) subsection (1) of section 50 so far as relating to a sum which is chargeable to tax by virtue of section 313 of the Income and Corporation Taxes Act 1988, and subsections (2) to (4) of that section,

shall come into force on such day as may be appointed by order made by the Secretary of State; and different days may be appointed for different provisions and for different purposes.

(3) An order under subsection (2) above may make such savings, or such transitional or consequential provision, as the Secretary of State considers necessary or expedient—

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<sup>1</sup> S. 81 repealed (8.5.12) by the Welfare Reform Act 2012 (c. 5), s. 143.

<sup>2</sup> S. 83 repealed (29.11.99) by S.S. Act 1998, Sch. 8.

- (a) in preparation for or in connection with the coming into force of any provision of this Act; or
- (b) in connection with the operation of any enactment repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.

(4) This Act, except—

- (a) section 2 so far as relating to war pensions;
- (b) sections 3, 15, 45 to 47, 59, 78 and 85 and this section; and
- (c) section 86 and Schedules 7 and 8 so far as relating to enactments which extend to Northern Ireland,

does not extend to Northern Ireland.

(5) The following provisions of this Act extend to the Isle of Man, namely—

- (a) in section 4, subsections (1)(c) and (2)(c);
- (b) sections 6 and 7 and Schedule 1 so far as relating to appeals under the Vaccine Damage Payments Act;
- (c) sections 45 to 47 and this section;
- (d) paragraphs 5 to 10 of Schedule 7 and section 86(1) so far as relating to those paragraphs; and
- (e) section 86(2) and Schedule 8 so far as relating to the Vaccine Damage Payments Act.

**SOCIAL SECURITY ACT 1998 (c. 14)**

**Sch. 1**

**SCHEDULES**

**SCHEDULE 1**

[...<sup>1</sup>]

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<sup>1</sup> Sch. 1 omitted (3.11.08) by S.I. 2008/2833, art. 171.



SCHEDULE 2

DECISIONS AGAINST WHICH NO APPEAL LIES

*Jobseeker's allowance for persons under 18*

**1.** *In relation to a person who has reached the age of 16 but not the age of 18, a decision—*

- (a) whether section 16 of the Jobseekers Act is to apply to him; or*
- (b) whether to issue a certificate under section 17(4) of that Act.*

*Christmas bonus*

**2.** *A decision whether a person is entitled to payment under section 148 of the Contributions and Benefits Act.*

*Priority between persons entitled to [1carer's allowance]*

**3.** *A decision as to the exercise of the discretion under section 70(7) of the Contributions and Benefits Act.*

*Priority between persons entitled to child benefit*

**4.** *A decision as to the exercise of the discretion under paragraph 5 of Schedule 10 to the Contributions and Benefits Act.*

*Persons treated as if present in Great Britain*

**5.** *A decision whether to certify, in accordance with regulations made under section 64(1), 71(6), 113(1) or 119 of the Contributions and Benefits Act, that it is consistent with the proper administration of that Act to treat a person as though he were present in Great Britain.*

**5A.** [2...]

*Alteration of rates of benefit*

**6.** *A decision as to the amount of benefit to which a person is entitled, where it appears to the Secretary of State that the amount is determined by—*

- (a) the rate of benefit provided for by law; or*
- (b) an alteration of a kind referred to in—*
  - (i) section 159(1)(b) of the Administration Act (income support); or*
  - (ii) section 159A(1)(b) of that Act (jobseeker's allowance) [3; or*
  - (iii) section 159B(1)(b) of that Act (state pension credit)] [4; or*
  - (iv) section 159C(1)(b) of that Act (employment and support allowance)]*

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<sup>1</sup> In Sch. 2, para. 3 heading, the words "invalid care allowance" substituted with "carer's allowance" (1.9.02) for the purposes of exercising power to make subordinate legislation, 1.4.03 for all other purposes) by para. 3(b) of the Schedule to S.I. 2002/1437.

<sup>2</sup> Heading to, and para. 5A of Sch. 2 repealed (on or after 22.3.10) by the Welfare Reform Act 2009 (c. 24), Sch. 7, para. 3. (See art. 2(3) & (4) of S.I. 2010/293 for when to apply in certain situations.

<sup>3</sup> Word & head (iii) inserted in sub-para. 6(b) (2.7.02) for the purposes of exercising power to make regulations or orders by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 11.

<sup>4</sup> Head (iv) inserted in sub-para. 6(b) (27.10.08) by Sch. 3, s. 17(8) of the Welfare Reform Act 2007 (c. 5).

*Increases in income support due to attainment of particular ages*

Sch. 2

**7.** A decision as to the amount of benefit to which a person is entitled, where it appears to the Secretary of State that the amount is determined by the recipient's entitlement to an increased amount of income support or income-based jobseeker's allowance in the circumstances referred to in section 160(2) or 160A(2) of the Administration Act.

*Reduction in accordance with reduced benefit direction*

**8.** A decision to reduce the amount of a person's benefit in accordance with a reduced benefit direction (within the meaning of section 46 of the Child Support Act).

*[<sup>1</sup>Reduction an application of benefit cap*

**8A.** A decision to apply the benefit cap in accordance with regulations under section 96 of the Welfare Reform Act 2012.]

*Power to prescribe other decisions*

**9.** Such other decisions as may be prescribed.

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<sup>1</sup> Para. 8A to Sch. 2 inserted (13.4.13) by the Welfare Reform Act 2012 (c. 5), s. 97(6).

SCHEDULE 3

DECISIONS AGAINST WHICH AN APPEAL LIES

PART I

BENEFIT DECISIONS

*Entitlement to benefit without a claim*

1. In such cases or circumstances as may be prescribed, a decision whether a person is entitled to a relevant benefit for which no claim is required.
2. If so, a decision as to the amount to which he is entitled.

*Payability of benefit*

3. A decision whether a relevant benefit (or a component of a relevant benefit) to which a person is entitled is not payable by reason of—
  - (a) any provision of the Contributions and Benefits Act by which the person is disqualified for receiving benefit;
  - (b) *regulations made under section 72(8) of that Act (disability living allowance);*
  - (c) regulations made under section 113(2) of that Act (suspension of payment);  
or
  - (d)-(da) [...<sup>1</sup>]
  - (e) [...<sup>2</sup>] [<sup>3</sup> or
  - (f) section [<sup>4</sup>6B,] 7, 8 or 9 of the Social Security Fraud Act 2001 [<sup>5</sup>; [...<sup>6</sup>]
  - (g) section 18 of the Welfare Reform Act 2007.]]
  - [<sup>6</sup>(h) regulations made under section 85(1) or 86(1) of the Welfare Reform Act 2012.]
  - (i) section 87 of that Act.]

[<sup>7</sup>(3A) A decision as to the amount of a relevant benefit that is payable to a person by virtue of regulations under section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001.]

*Payments to third parties*

4. Except in such cases or circumstances as may be prescribed, a decision whether the whole or part of a benefit to which a person is entitled is, by virtue of regulations, to be paid to a person other than him.

*Recovery of benefits*

5. A decision whether payment is recoverable under section 71 or 71A of the Administration Act.

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<sup>1</sup> Paras. 3(d) & (da) repealed (14.10.12) by the Welfare Reform Act 2012 (c. 5), s. 46(4).

<sup>2</sup> Para. 3(e) of Sch. 3 repealed (on or after 22.3.10) by the Welfare Reform Act 2009 (c. 24), Sch. 7, part 3. (See art. 2(3) & (4) of S.I. 2010/293 for when to apply in certain situations).

<sup>3</sup> Para. 3(f) inserted (1.4.02) by s. 12(2) of the Social Security Fraud Act 2001 (c. 11).

<sup>4</sup> Words inserted in Sch. 3, para. 3(f) ((12.1.10) for the purposes only of conferring power to make regulations & (1.4.10) for all other purposes), by the Welfare Reform Act 2009 (c. 24), s. 24(2)(b) & Sch. 4, para. 10.

<sup>5</sup> Para. 3(g) inserted (27.10.08) by Sch. 3, para. 17(a) of the Welfare Reform Act 2007 (c. 5).

<sup>6</sup> Words in Sch. 3, para. (3)(f) repealed & para. (3)(h) & (i) inserted (8.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 9, para. 43(a) & (b).

<sup>7</sup> Para. 3A inserted in Sch. 3, (1.4.13) by the Welfare Reform Act 2012 (c. 5), Sch. 2, para. 51.

6. If so, a decision as to the amount of payment recoverable.

[<sup>1</sup>6B. A decision as to the amount of payment recoverable under section 71ZB, 71ZG or 71ZH of the Administration Act.]

*Industrial injuries benefit*

7. A decision whether an accident was an industrial accident for the purposes of industrial injuries benefit.

[...<sup>2</sup>]

*Para. 8 is maintained in force in certain situations. See art. 7(1)(e) of S.I. 2013/983 at page 14.3231 for details.*

*Jobseekers' agreements*

8. A decision in relation to a jobseeker's agreement as proposed to be made under section 9 of the Jobseekers Act, or as proposed to be varied under section 10 of that Act.

[<sup>3</sup>8A. A decision whether to specify a period as an assessed income period under section 6 of the State Pension Credit Act 2002.

8B. If so, a decision as to the period to be so specified.

8C. A decision whether an assessed income period comes to an end by virtue of section 9(4) or (5) of that Act.

8D. If so, a decision as to when the assessed income period so ends.]

*See Sch. 2, para. 5 of S.I. 2010/1907 at page 13.9439 for details of modifications to Sch. 3, para. 8 as from 1.10.10.*

*Power to prescribe other decisions*

9. Such other decisions relating to a relevant benefit as may be prescribed.

<sup>1</sup> Para. 6B inserted in Sch. 3 (29.4.13) by the Welfare Reform Act 2012 (c. 5), s. 105(7).

<sup>2</sup> Para. 8 is revoked by Sch. 14, Part 4 of the Welfare Reform Act 2012 (c. 5) [See art. 7(1)(e) of S.I. 2013/983 for when to apply].

<sup>3</sup> Paras. 8A-8D inserted in Sch. 3 (2.7.02) for the purposes of exercising power to make regulations or orders or (7.4.03) for all other purposes by the State Pension Credit Act 2002 (c. 16), Sch. 1, para. 12.

**SOCIAL SECURITY ACT 1998 (c. 14)**

## PART II

## CONTRIBUTIONS DECISIONS

*Categorisation of earners*

- 10.** A decision whether a person is an earner.
- 11.** If so, a decision as to the category of earners in which the person is to be included.

*Compulsory contributions*

- 12.** A decision whether a person is liable to pay contributions of any particular class.
- 13.** If so, a decision as to the amount that the person is liable to pay.

*Voluntary contributions*

- 14.** A decision whether a person is entitled to pay contributions of any particular class that he is not liable to pay.
- 15.** If so, a decision as to the amount that the person is entitled to pay.

*Responsibilities at home*

- 16.** A decision whether a person was (within the meaning of regulations) precluded from regular employment by responsibilities at home.

*Earnings and contributions credits*

- 17.** A decision whether a person is entitled to be credited with earnings or contributions in accordance with regulations made under section 22(5) of the Contributions and Benefits Act.

*Statutory sick pay*

- 18.** A decision whether an employer is entitled to make any deduction from his contributions payments in accordance with an order under section 159A of the Contributions and Benefits Act.
- 19.** If so, a decision as to the amount that he is entitled to deduct.

*Statutory maternity pay*

- 20.** A decision whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under section 167 of the Contributions and Benefits Act.
- 21.** If so, a decision as to the amount that he is entitled to deduct.

**SOCIAL SECURITY ACT 1998 (c. 14)**

**Sch. 3**

*Liability of directors etc. for company's contributions*

**22.** Subject to the provisions of section 121D of the Administration Act, a decision as to the issue and content of a notice under section 121C(2) of that Act.

*Preserved rights to benefit etc.*

**23.** A decision falling to be made by virtue of regulations under paragraph 15 of Schedule 3 to the Social Security (Consequential Provisions) Act 1992.

*Employment of long-term unemployed*

**24.** A decision falling to be made under section 27 of the Jobseekers Act.

*Interest and penalties*

**25.** A decision whether a person is liable to pay interest under paragraph 7B(2)(e) or (i) of Schedule 1 to the Contributions and Benefits Act.

**26.** A decision whether a person is liable to a penalty under—  
(a) paragraph 7A(2) or 7B(2)(h) of Schedule 1 to the Contributions and Benefits Act; or  
(b) section 113(1)(a) or 114A(1) of the Administration Act.

**27.** A decision whether to charge any interest or penalty under paragraph 7C(1) of Schedule 1 to the Contributions and Benefits Act.

**28.** A decision as to the amount of interest or penalty payable under any of the provisions mentioned in paragraphs 25 to 27 above, except in so far as the decision relates to the exercise of the discretion under—

(a) paragraph 7A(3)(e) or 7B(5)(e) of Schedule 1 to the Contributions and Benefits Act; or  
(b) section 113(2)(e) or 114A(3)(e) of the Administration Act.

*Power to prescribe other decisions*

**29.** Such other decisions relating to contributions as may be prescribed.

SCHEDULE 4  
SOCIAL SECURITY COMMISSIONERS

*Appointment*

[...<sup>1</sup>]

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<sup>1</sup> Sch. 4 omitted (3.11.08) by S.I. 2008/2833, art. 172.

**SOCIAL SECURITY ACT 1998 (c. 14)**

## SCHEDULE 5

## REGULATIONS AS TO PROCEDURE: PROVISION WHICH MAY BE MADE

1. Provision prescribing the procedure to be followed in connection with—
  - (a) the making of decisions or determinations by the Secretary of State [...<sup>1</sup>]; and
  - (b) the withdrawal of claims, applications, appeals or references falling to be decided or determined by the Secretary of State [...<sup>1</sup>]
2. [...<sup>1</sup>].
3. Provision as to the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence.
4. Provision as to the time within which, or the manner in which—
  - (a) any evidence is to be produced; or
  - (b) any application, reference or appeal is to be made.
- 5.–8. [...<sup>1</sup>].
9. Provision for the non-disclosure to a person of the particulars of any medical advice or medical evidence given or submitted for the purposes of a determination.

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<sup>1</sup> Words in para. 1(a) & (b) & paras. 2 & 5-8 omitted (3.11.08) by S.I. 2008/2833, art. 173(a) & (b).

**SOCIAL SECURITY ACT 1998 (c. 14)**

**Sch. 6**

**SCHEDULE 6**

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<sup>1</sup> Sch. 6 repealed (29.11.99) by S.S. Act, Sch. 8.



[...<sup>1</sup>]

SCHEDULE 7  
MINOR AND CONSEQUENTIAL AMENDMENTS

..... various amends, see Annex I, page 1.3291

77(4)(a), 128. [...<sup>1</sup>]

141., 142. & 145. [...<sup>2</sup>]

SCHEDULE 8  
REPEALS

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<sup>1</sup> Paras. 77(4)(a) & 128 of Sch. 7, repealed (6.4.12) by the Pensions Act 2007 (c. 22), Sch. 7, part 7.

<sup>2</sup> Paras. 141, 142 & 145 of Sch. 7, repealed (on or after 22.3.10) by the Welfare Reform Act 2009 (c. 24), Sch. 7, part 3. (See art. 2(3) & (4) of S.I. 2010/293 for when to apply in certain situations).

..... various repeals, see Annex 1, page 1.3291

## SOCIAL SECURITY ACT 1998 LIST OF OMISSIONS

*The following provisions have been omitted from the text for the reasons stated:-*

S. 3(3)	... ..	makes consequential amendments to the Social Security Act 1998 (c. 14)
Ss. 40 - 44	... ..	amends statute not reproduced in these volumes
Ss. 45 - 47	... ..	makes consequential amendments to the Vaccine Damage Payments Act 1979 (c.17)
Ss. 48 - 59	... ..	makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4)
Ss. 60 - 66	... ..	makes consequential amendments to the Administration Act 1992 (c. 5)
Ss. 67 - 73	... ..	makes consequential amendments to the Contributions and Benefits Act 1992 (c. 4)
Ss. 74 - 76	... ..	makes consequential amendments to the Administration Act 1992 (c. 5)
Ss. 83	... ..	makes consequential amendments to the Social Security Act 1998 (c. 14)
Sch. 6	... ..	makes consequential amendments to the Social Security Act 1998 (c. 14)
Sch. 7	... ..	makes consequential amendments to the Vaccine Damage Payments Act 1979 (c. 17), Contributions and Benefits Act 1992 (c. 14), the Administration Act 1992 (c. 5), Tribunal and Inquiries Act 1992 (c. 53), Pension Schemes Act 1993 (c. 48), Jobseekers Act 1995 (c. 18), Industrial Tribunals Act 1996 (c. 17), Employment Rights Act 1996 (c. 18), Recovery of Benefits Act 1997 (c. 27) and other statutes not reproduced in these volumes [... <sup>1</sup> ] [... <sup>2</sup> ]
Paras. 141, 142 & 145...		repeals words in ss. 19(3)-(4), 20(2)(b)(ii) & 36(1) of the Jobseekers Act 1995 (c. 18).

<sup>1</sup> S. 78 of Sch. 7 repealed (24.4.00 for reg. making purposes, 9.4.01 for all other purposes) by s. 88 of the Welfare Reform and Pensions Act 1999 (c. 30).

<sup>2</sup> Paras. 134 & 135 of Sch. 7 to the Social Security Act 1998 (c. 14) repealed (see art. 7(1)(e) of S.I. 2013/983 for in force date) by Pt. 4 of Sch. 14 to the Welfare Reform Act 2012 (c. 5).

**SOCIAL SECURITY ACT 1998 (c. 14)**

**Annex 2**

Sch. 8 ... .. makes repeals in various statutes

**SOCIAL SECURITY ACT 1998  
COMMENCEMENT DATES**

(a) List of Commencement Orders

<i>S.I. No.</i>	<i>Title of Order</i>	<i>Page no. if reproduced in these volumes</i>
1998/2209 (c. 47)	The Social Security Act 1998 (Commencement No.1) Order 1998	1.5791
1998/2780 (c. 66)	The Social Security Act 1998 (Commencement No. 2) Order 1998	1.5797
1999/418 (c. 8)	The Social Security Act 1998 (Commencement No. 3) Order 1999	1.5799
1999/526 (c. 10)	The Social Security Act 1998 (Commencement No. 4) Order 1999	1.5801
1999/528 (c. 12)	The Social Security Act 2012 (c. 5), Sch. 3.ct 1998 (Commencement No. 5) Order 1999	1.5803
1999/1055 (c. 30)	The Social Security Act 1998 (Commencement No. 6) Order 1999	1.5807
1999/1510 (c. 43)	The Social Security Act 1998 (Commencement No. 7 and Consequen- tial and Transitional Provisions) Order 1999	1.5809
1999/1958 (c. 51)	The Social Security Act 1998 (Commencement No. 8, Savings and Consequential and Transitional Prov- isions) Order 1999	1.5815
1999/2422 (c. 61)	The Social Security Act 1998 (Commencement No. 9, Savings and Consequential and Transitional Prov- isions) Order 1999	1.5825
1999/2739 (c. 67)	The Social Security Act 1998 (Commencement No. 10, Transitional Provisions) Order 1999	1.5837
1999/2860 (c. 75)	The Social Security Act 1998 (Commencement No. 11, and Savings and and Consequential and Transitional Provisions) Order 1999	1.5845
1999/3178 (c. 81)	The Social Security Act 1998 (Commencement No. 12 and Consequen- tial and Transitional Provisions) Order 1999	1.5859

(b) Dates on which provisions of the Social Security Act 98 came into force  
 [ Note: In the list below only those sections commenced will be included.]

<i>Section (etc) of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>Commencing authority</i>
Section 1	1st June, 5th July, 6th September, 5th and 18th October and 29th November 1999	1999/1510, 1958 2422, 3739, 2860 and 3178
Section 2	8th September 1998 5th July, 6th September, 5th and 18th October and 29th November 1999	1998/2209, 1999/1958, 2422, 3739, 2860 and 3178
Section 3	8th September 1998	1998/2209
Section 4	1st June, 5th July, 6th September, 5th and 18th October and 29th November 1999	1999/1510, 1958, 2422, 3739, 2860 and 3178
Section 5	1st June 1999	1999/1510
Section 6 and 7	4th March 1999 and 1st June 1999	1999/528 and 1510
Section 8	5th July, 6th September, 5th and 18th October and 29th November 1999	1999/1958, 2422, 2739, 2860 and 3178
Section 9 to 12	4th March 1999, 5th July, 6th September, 5th and 18th October and 29th November 1999	1999/528, 1958, 2422, 2739, 2860 and 3178
Section 13	5th July, 6th September, 5th and 18th October and 29th November 1999	1999/1958, 2422, 2739, 2860 and 3178
Section 14	4th March 1999, 5th July, 6th September, 5th and 18th October and 29th November 1999	1999/528, 1958, 2422, 2739, 2860 and 3178
Section 15	4th March 1999, 5th July, 6th September, 5th and 18th October and 29th November 1999	1999/528, 1958, 2422, 2739, 2860 and 3178
Section 16	8th September 1998, 4th March 1999, 6th April, 5th July, 6th September, 5th and 18th October and	1998/2209 and 1999/528, 1958, 2422, 2739, 2860 and 3178

**SOCIAL SECURITY ACT 1998 (c. 14)**

**Annex 2**

29th November 1999

<i>Section (etc) of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>Commencing authority</i>
Sections 17 and 18	4th March, 5th July, 6th September, 5th and 18th October and 29th November 1999	1999/528, 1958 2422, 2739, 2860 and 3178
Section 19	5th July, 6th September, 5th and 18th October and 29th November 1999	1999/528, 2422, 2739, 2860 and 3178
Sections 20 and 26	4th March, 1st June, 5th July, 6th September, 5th and 18th October and 29th November 1999	1999/528, 1958, 2422, 2739, 2860 and 3178
Section 27	5th July, 6th September, 5th and 18th October and 29th November 1999	1999/1958 2422, 2739, 2860 and 3178
Section 28	4th March, 6th September 5th and 18th October and 29th November 1999	1999/528, 1958, 2422, 2739, 2860 and 3178
Sections 29 and 30	5th July 1999	1999/1958
Section 31	4th March and 6th September 1999	1999/528 and 2422
Section 32	18th October 1999	1999/2860
Section 33	29th November 1999	1999/3178
Section 34	18th October 1999	1999/2860
Sections 36 to 38	4th March and 29th November 1999	1999/528 and 3178
Section 39	5th July, 6th September, 5th and 18th October and 29th November 1999	1999/1958, 2422, 2739, 2860 and 43178
Section 40	16th November and 7th December 1998	1998/2780
Sections 41 to 44	4th March and 1st June 1999	1999/528 and 1510
Section 45 <sup>1</sup>	4th March and 18th October 1999	1999/528 and 2860
Section 46 <sup>2</sup>	4th March and 18th October 1999	1999/528 and 2860

<sup>1</sup> In so far as it inserts section 3A(1), (3) and (4) into the Vaccine Damage Payments Act 1979.

<sup>2</sup> In so far as it substitutes section 4(2) and (3) of the Vaccine Damage Payments Act 1979

<sup>3</sup> Inserts section 7A into the Vaccine Damage Payments Act 1992.

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Section 47 <sup>3</sup>	4th March and 18th October 1999	1999/528 and 2860
<i>Section (etc) of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>Commencing authority</i>
Sections 48 and 49	4th March 1999	1999/528
Section 50(1) <sup>1</sup>	8th September,	1998/2209
Section 51	23rd February and 6th April 1999	1999/418
Section 52	8th September 1998	1998/2209
Section 53 <sup>1</sup>	8th September 1988 and 6th April 1999	1998/2209
Section 54	4th March and 6th April 1999	1999/526
Section 55	8th September 1998	1998/2209
Section 56	4th March and 6th April 1999	1999/526
Section 57	4th March and 6th April 1999	1999/526
Section 59	8th September 1998	1998/2209
Section 60	4th March and 6th April 1999	1999/526
Section 61	4th March and 6th April 1999	1999/526
Section 62	6th April 1999	1999/526
Section 63	4th March and 6th April 1999	1999/526
Section 64	6th April 1999	1999/526
Section 65	8th September 1998 and 6th April 1999	1998/2209
Section 68	8th September 1998	1998/2209
Sections 70 and 71	5th April 1999	1999/1055
Section 73	6th April 1999	1998/2209
Section 74	4th March and 29th November 1999	1999/528 and 3178
Section 75	5th October 1998	1998/2209
Section 76	16th November 1998	1998/2780

<sup>1</sup> In so far as not already in force. 8th September 1998 for regulation or order making purposes only.

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<i>Section (etc) of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>Commencing authority</i>
Section 86(1)	6th June and 29th November 1999	1999/1510 and 3178
Section 86(2) (partially)	8th September 1998, 5th and 6th April 1st June, 5th July, 6th September, 18th October and 29th November 1999	1998/2209 and 1999/418, 526, 1055, 1510, 1958, 1055, 1510, 1985, 2422, 2860 and 3178
Sch. 1, paras. 1 to 9 and 11 to 13	4th March and 1st June 1999	1999/528 and 1510
Sch.2	4th March and 29th November 1999	1999/528 and 3178
Sch.3	4th March, 5th July and 29 November 1999	1999/528, 1958 and 3178
Sch.4	4th March, 5th July 29th November 1999	1999/528, 1958 and 3178
Sch.5	4th March, 5th July 29th November 1999	1999/528, 1958 and 3178
Schedule 7 in the respects specified below and section 86(1) in so far as it relates to them—		
paragraphs 1 and 2	1st June 1999	1999/1510
paragraph 4(1) and (2) <sup>1</sup>	1st June, 18th October 29th November 1999	1999/1510, 2860 and 3178
paragraph 4(3)	1st June 1999	1999/1510
paragraph 5 to 7	18th October 1999	1999/2860
paragraph 8 and 9 <sup>1</sup>	4th March and 18th October 1999	1999/528 and 2860
paragraph 10	18th October 1999	1999/2860
paragraph 11	5th July, 6th September and 29th November 1999	1999/1958, 2422 and 3178
paragraphs 12 to 14	6th April 1999	1999/526
paragraph 15	18th October and 29th November 1999	1999/2860 and 3178
paragraph 16	6th April 1999	1999/418

<sup>1</sup> The provision or provisions in this entry has or have been commenced in part only.

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paragraph 17	18th October and 29th November 1999	1999/2860 and 3178
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<i>Section (etc) of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>Commencing authority</i>
paragraphs 18 to 26	1st June 1999	1999/1510
paragraph 27	8th September 1998 and 1st June 1999	1998/2209 and 1999/1510
paragraphs 28 to 34	1st June 1999	1999/1510
paragraph 35	4th March and 1st June 1999	1999/528 and 1510
paragraphs 36 to 38	1st June 1999	1999/1510
paragraph 39	4th March and 1st June 1999	1999/528 and 1510
paragraph 40	4th March and 1st June 1999	1999/528 and 1510
paragraphs 41 and 42	1st June 1999	1999/1510
paragraphs 43 and 44	4th March and 1st June 1999	1999/528 and 1510
paragraph 45	1st June 1999	1999/1510
paragraph 46	16th November 1998,  4th March and 1st June 1999	1998/2780 and  1999/528
paragraph 47	1st June and 29th November 1999	1999/1510 and 3178
paragraph 48	1st June 1999	1999/1510
paragraph 49	8th September 1998	1998/2209
paragraphs 50 and 51	1st June 1999	1999/1510
paragraphs 52 and 54	4th March and 1st June 1999	1999/528 and 1510
paragraph 55	18th October and 29th November 1999	1999/2860 and 3178
paragraph 56	8th September 1998 and 6th April 1999	1998/2209
paragraph 57	6th April 1999	1998/2209
paragraph 58(1)	6th April 1999	1999/418
paragraph 58(2)	6th April 1999	1998/2209

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paragraphs 59 to 61	6th April 1999	1999/418
paragraph 62	6th September 1999	1999/2422
<i>Section (etc) of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>Commencing authority</i>
paragraphs 63 to 65 <sup>1</sup>	5th July 1999	1999/1958
paragraphs 66 to 70	5th July, 6th September, 18th October and 29th November 1999	1999/1958, 2422, 2860 and 3178
paragraph 71	8th September 1998, 6th April, 5th July, 6th September, 18 October and 29th November 1999	1998/2209, 1999/418, 1958, 2422, 2860 and 3178
paragraph 72	5th April and 29th November 1999	1999/1055 and 3178
paragraph 73	29th November 1999	1999/318
paragraphs 74 to 75	6th April 1999	1999/418
paragraph 76	6th September 1999	1999/2422
paragraph 77(1), (6) to (9), (11), (12) and (14) to (16)	8th September 1998 and 6th April 1999	1998/2209
paragraph 77(2) to (5)	6th April 1999	1999/418
paragraph 78	6th September 1999	1999/2422
paragraph 79	5th July, 6th September, 5th and 18th October, 29th November 1999 and 2nd July 2001	1999/1958, 2422, 2739, 2860 3178 and 2001/2316
paragraph 80	2nd July 2001	2001/2316
paragraph 81	5th July, 6th September, 5th and 18th October, and 29th November	1999/1958, 2422, 2739, 2860 and 3718
paragraph 82	18th October 1999	1999/2860
paragarph 83	29th November 1999	1999/3178
paragarph 84	5th July and 29th November 1999	1999/1958 and 3178
paragarph 85	6th April 1999	1999/526
paragarph 86	6th April 1999	1998/2209 and 1999/526
paragarph 87	6th April 1999	1999/526

<sup>1</sup> The provision or provisions in this entry has or have been commenced in part only.

<i>Section (etc) of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>Commencing authority</i>
paragraphs 88 and 89	5th July, 6th September, 5th October and 29th November 1999	1999/1958, 2422, 2739 and 3178
Paragraph 90	6th April 1999	1999/418
paragraph 91	8th September 1988 and 6th April 1999	1998/2209
paragraphs 92 to 94	6th April 1999	1999/418
paragraph 95	29th November 1999	1999/3178
paragraph 96	18th October 1999	1999/2860
paragraph 97	29th November 1999	1999/3178
paragraph 98	18th October 1999	1999/2860
paragraph 99	8th September 1998 and 6th April 1999	1998/2209 and 1999/418 and 526
paragraph 100(1)	6th April 1999	1998/2209
paragraph 100(2)	6th April 1999	1999/526
paragraph 101	5th July and 29th November 1999	1999/1958 and 3178
paragraph 102	5th July, 6th September, 18th October and 29th November 1999	1999/1958, 2422, 2860 and 3178
paragraph 103	29th November 1999	1999/3178
paragraph 104	4th March 1999	1999/528
paragraph 105	5th July 1999	1999/1958
paragraphs 106 to 108	5th July, 6th September, 5th and 18th October, and 29th November 1999	1999/1958, 2422, 2739, 2860 and 3178
paragraph 109	6th September, 5th and 18th October and 29th November 1999	1999/2422, 2739, 2860 and 3178
paragraph 110	8th September 1998, 6th April and 29th November 1999	1998/2209, 1999/418 and 3178
paragraph 111	5th July and 29th November 1999	1999/1958 and 3178
paragraph 112	6th September,	1999/2422, 2739 and

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	5th October and 29th November 1999	3178
paragraph 113	29th November 1999	1999/3178
<i>Section (etc) of Social Security Act 1998</i>	<i>Date of Commencement</i>	<i>Commencing authority</i>
paragraph 114	8th September 1998 and 6th April 1999	1998/2209
paragraph 115	5th July 1999	1999/1958
paragraph 116	29th November 1999	1999/3178
paragraph 117	18th October and 29th November 1999	1999/2860 and 3178
paragraph 118	1st June 18th October and 29th November 1999	1999/1510, 2860 and 3178
paragraphs 119	18th October 1999	1999/2860
paragraph 120(b)	29th November 1999	1999/3178
paragraph 121	4th March 1999	1999/528
paragraph 121(1)	1st June 1999	1999/1510
paragraph 121(2)	6th September, 5th and 18th October and 29th November 1999	1999/2422, 2739, 2860 and 3178
paragraphs 122	1st June and 18th October 1999	1999/1510 and 2860
paragraph 123	1st June, 6th September, 5th October and 29th November 1999	1999/1510, 2422, 2739 and 3178
paragraphs 123 and 124	1st June, 6th September, 5th October and 29th November 1999	1999/1510, 2422, 2739 and 3178
paragraph 125	29th November 1999	1999/3178
paragraphs 126 to 128	6th April 1999	1999/418
paragraphs 129 and 130(2) <sup>1</sup>	5th July and 29th November 1999	1999/1958 and 3178
paragraph 131 <sup>1</sup>	4th March and 5th July 1999	1999/528 and 1958
paragraph 133	6th April 1999	1999/418
paragraph 134 to 147	18th October and 29th November 1999	1999/2860 and 3178

paragraphs 149 to 153	4th March and 29th November 1999	1999/528 and 3178
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<i>Section (etc) of Social Security Act 1998</i>	<i>Date of Commencement 1st June 1999</i>	<i>Commencing authority</i>
Section 83	29 November 1998	1999/3178.
Section 86(2) and Schedule 8 <sup>1</sup>	8th September 1998 and 5th and 6th April, 1st June, 5th July, 6th September, 18th October and 29th November 1999	1998/2209 1999/418, 526, 1055, 1510, 1958, 2422, 2860 and 3178

<sup>1</sup> The provisions or provisions in this entry has or have been commenced in part only.

