

**Changes to legislation:** The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 is up to date with all changes known to be in force on or before 31 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1

Article 2(c)

PROVISIONS BROUGHT INTO FORCE ON 6TH SEPTEMBER  
1999 FOR THE PURPOSES SPECIFIED IN ARTICLE 2(c)

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 1(a)	Transfer of functions of adjudication officers to Secretary of State
Section 2(2)(a)	Use of computers
Section 4(1)(a), in so far as it relates to social security appeal tribunals and medical appeal tribunals, and (2)(a)	Unified appeal tribunals
Section 8(1)(a) and (c), (2), (3)(a), (4) and (5) M1	Decisions by the Secretary of State
Sections 9 and 10 M1	Revision, and decisions superseding earlier decisions
Section 11(1) and (2), and (3) except the definition of "the current legislation" in so far as it relates to the Jobseekers Act 1995 M2	Regulations with respect to decisions, and assistance from experts
and the Social Security (Recovery of Benefits) Act 1997 M3	
and the definition of "the former legislation" in so far as it relates to Part II of the Social Security Act 1986	
Section 12(1)(a) (in so far as it relates to paragraphs 5, 6(a) and 9 of Schedule 2) and (b) (in so far as it relates to paragraphs 1, 2, 3(a) and (c), 4, 5 (except in so far as that paragraph relates to section 71A of the Administration Act M4	Appeal to appeal tribunal
), 6 and 9 of Schedule 3), (2), (3), (4) (except in so far as it relates to section 74 of the Administration Act) and (6) to (9) M5	
Section 13 M6	Redetermination etc. of appeals by appeal tribunal
Section 14 M6	Appeal from tribunal to Commissioner
and Schedule 4	
Section 15	Appeal from Commissioner on point of law
Section 16 M7	Procedure
and Schedule 5	

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Section 17	Finality of decisions
Sections 18(1) and 19 M8	Matters arising as respects decisions, and medical examination required by Secretary of State
Section 20(1), (2) and (3)(a) M9	Medical examination required by appeal tribunal
Sections 21 M9 to 27 (except section 26(8))	Suspension and termination of benefit, decisions and appeals involving issues that arise on appeals in other cases, and restrictions on entitlement in cases of error
Section 28 M10 (except subsection (3)(c) to (e))	Correction of errors, and setting aside of decisions
Section 39 M10	Interpretation etc. of Chapter II of Part I of the Act
Schedule 7 M11 in the respects specified below, and section 86(1) in so far as it relates to them—	Minor and consequential amendments—
paragraph 11	provision as to forfeiture
paragraph 62	Category A and Category B retirement pensions: supplemental provisions
paragraphs 66 to 71(a)	miscellaneous provisions relating to benefits
paragraph 76	incapacity for work: disqualification etc.
paragraph 78	late claims for widowhood benefits
paragraph 79(1)	claims and payments
paragraph 81	overpayments
paragraphs 88 and 89	disclosure of information, and notification of deaths
paragraph 102	financial review and report
paragraphs 107 and 108	reciprocal agreements and travelling expenses
paragraph 109	regulations and orders under the Administration Act
paragraph 112	application to Northern Ireland
paragraph 121(2)(a) and (c)	tribunals under supervision of Council on Tribunals
paragraph 123(1)(a)	judicial pensions—other appointments
paragraph 124(1)(a)	judicial retirement—the relevant offices

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#### Marginal Citations

- M1** Sections 8 and 10 are amended by paragraphs 22 and 23 respectively of Schedule 7 to the [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#) (“the Transfer Act”).
- M2** 1995 c. 18.
- M3** 1997 c. 27.
- M4** 1992 c. 5; section 71A was inserted by section 18 of the [Jobseekers Act 1995 \(c. 18\)](#).
- M5** Section 12 and Schedule 3 are amended by paragraphs 25 and 36 respectively of Schedule 7 to the Transfer Act.
- M6** Sections 13 and 14 are amended by paragraphs 26 and 27 respectively of Schedule 7 to the Transfer Act.
- M7** Section 16 was amended by paragraph 28 of Schedule 7 to the Transfer Act.
- M8** Sections 18 and 19 were amended by paragraphs 29 and 30 respectively of Schedule 7 to the Transfer Act.
- M9** Sections 20 and 21 are amended by paragraphs 31 and 32 respectively of Schedule 7 to the Transfer Act.
- M10** Sections 28 and 39 are amended by paragraphs 34 and 35 respectively of Schedule 7 to the Transfer Act.
- M11** Certain provisions of Schedule 7 are repealed by Schedule 10 to the Transfer Act.

## SCHEDULE 2

Article 3(2)

### MODIFICATION OF THE SOCIAL SECURITY BENEFIT (DEPENDENCY) REGULATIONS 1977

[<sup>F1</sup>As if in regulation 1(2) <sup>M12</sup>(interpretation), for the definition of “the determining authority” there were substituted the following definition—

““the determining authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998, the Chief or any other Social Security Commissioner, or a tribunal consisting of three or more such Commissioners constituted in accordance with section 16(7) of that Act;”]

#### Textual Amendments

- F1** Sch. 2 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

#### Marginal Citations

- M12** Amendment was made by the [Health and Social Services and Social Security Adjudications Act 1983 \(c.41\)](#), **Schedule 8**, paragraph 1(3)(a).

#### Textual Amendments

- F1** Sch. 2 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

#### Marginal Citations

- M12** Amendment was made by the [Health and Social Services and Social Security Adjudications Act 1983 \(c.41\)](#), **Schedule 8**, paragraph 1(3)(a).

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SCHEDULE 3

Article 3(4)

AMENDMENT OF THE SOCIAL SECURITY (WIDOW’S BENEFIT AND RETIREMENT PENSIONS) REGULATIONS 1979

- 1. In regulation 1 <sup>M13</sup> (citation, commencement and interpretation)—
  - (a) in paragraph (2), for the definition of “the determining authority” there shall be substituted the following definition—
    - ““the determining authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998 or a Commissioner, or a tribunal consisting of three or more such Commissioners constituted in accordance with section 16(7) of that Act;”;
  - (b) in paragraph (3) the words—
    - (i) “the Secretary of State or”; and
    - (ii) “, whichever is appropriate”,
 shall be omitted.

**Marginal Citations**  
**M13** Amendment was made by the Health and Social Services and Social Security Adjudications Act 1983, Schedule 8, paragraph 1(3)(a).

- 2. In regulation 4(2)(b)(i) (days to be treated as days of increment) the words—
  - (a) “the Secretary of State or”; and
  - (b) “, whichever is appropriate”,
 shall be omitted.

SCHEDULE 4

Article 3(5)

AMENDMENT OF THE SOCIAL SECURITY (WIDOW’S BENEFIT, RETIREMENT PENSIONS AND OTHER BENEFITS) (TRANSITIONAL) REGULATIONS 1979

- 1. In regulation 2(3) <sup>M14</sup> (interpretation), for the words “, a social security appeal tribunal or an adjudication officer” there shall be substituted the words “ or an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998 ”.

**Marginal Citations**  
**M14** Amendment was made by the Health and Social Services and Social Security Adjudications Act 1983, Schedule 8, paragraph 1(3)(a).

- 2. Paragraph (2) of regulation 19 <sup>M15</sup> shall be omitted.

**Marginal Citations**  
**M15** Amendments were made by the [Social Security Act 1980 \(c. 30\), section 12\(a\)](#) and the Health and Social Services and Social Security Adjudications Act 1983, Schedule 8, paragraph 1(3)(a).

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## SCHEDULE 5

Article 3(6)

### AMENDMENT OF THE SOCIAL SECURITY (SEVERE DISABLEMENT ALLOWANCE) REGULATIONS 1984

1. In regulation 10<sup>M16</sup> (adjudication)—
  - (a) in paragraph (1)(i), for the words “an adjudicating medical authority” there shall be substituted the words “ the Secretary of State or, as the case may be, an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998 ”; and
  - (b) paragraphs (3) and (4) shall be omitted.

#### Marginal Citations

**M16** The relevant amending instrument is [S.I. 1988/1983](#).

2. Sub-paragraph (c) of regulation 18(3) shall be omitted.

## SCHEDULE 6

Article 3(7)

### AMENDMENT OF THE INCOME SUPPORT (GENERAL) REGULATIONS 1987

1. In regulation 22A<sup>M17</sup> (reduction in applicable amount where claimant is appealing against a decision that he is not incapable of work)—
  - (a) in paragraphs (1) and (3) and in the heading, after the words “against a decision” there shall be inserted the words “ which embodies a determination ”; and
  - (b) in paragraph (3), for the word “decision” in the second place in which it occurs there shall be substituted the word “ determination ”.

#### Marginal Citations

**M17** Regulation 22A and Schedule 1B were inserted by and regulations 71(1) and 76(a) were amended in the relevant respects by [S.I. 1996/206](#).

2. In regulations 71(1)(d) (applicable amounts in urgent cases) and 76(a)(d) (reductions), after the words “against a decision” in each place in which it occurs there shall be inserted the words “ which embodies a determination ”.
3. In Schedule 1B(d) (prescribed categories of person)—
  - (a) in paragraphs 24 and 25, after the words “against the” there shall be inserted the words “ decision which embodies a ”;
  - (b) in paragraphs 26 and 27, after the word “decisions” there shall be inserted the words “ which embody a determination ”; and
  - (c) in the heading to paragraphs 24 to 28, after the word “decision” there shall be inserted the words “ which embodies a determination ”.

**Changes to legislation:** The Social Security Act 1998 (Commencement No. 9, and Savings and Consequential and Transitional Provisions) Order 1999 is up to date with all changes known to be in force on or before 31 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 7

Article 3(8)

**MODIFICATION OF THE SOCIAL SECURITY  
(CLAIMS AND PAYMENTS) REGULATIONS 1987**

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

- C1** Sch. 78 modified (7.4.2003 for specified purposes) by [The Child Benefit and Guardian's Allowance \(Administration\) Regulations 2003 \(S.I. 2003/492\)](#), regs. 1, 43, **Sch. 3 Pt. 1** (with regs. 1(2), 44)

[<sup>F21</sup> As if in regulation 2(1) <sup>M18</sup> (interpretation), in the definition of "claim for benefit" for the words "the review of an award or" (in both places where the expression occurs) there were substituted the words " a revision under section 9 or a supersession under section 10 of the Social Security Act 1998 of ".

**Textual Amendments**

- F2** Sch. 7 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

**Marginal Citations**

- M18** There are amendments to regulation 2 which are not relevant to this Order.

2. As if in regulation 13 (advance claims and awards)—
- (a) in paragraph (1) for the words—
    - (i) "adjudicating authority" there were substituted the words " Secretary of State ";
    - (ii) "that authority" there were substituted the words " the Secretary of State ";
  - (b) in paragraph (2), for the words "An award under paragraph (1)(b) shall be reviewed by the adjudicating authority" there were substituted the words " A decision pursuant to paragraph (1)(b) to award benefit may be revised under section 9 of the Social Security Act 1998 ".

**Textual Amendments**

- F2** Sch. 7 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

3. As if in regulation 17(4) (duration of awards), the words from "; and where those" to the end were omitted.

**Textual Amendments**

- F2** Sch. 7 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

4. As if in the heading to Part V, the words "SUSPENSION AND" were omitted.

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#### Textual Amendments

**F2** Sch. 7 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

5. As if regulations 37 to 37B <sup>M19</sup> (suspension and withholding of benefit) were omitted.

#### Textual Amendments

**F2** Sch. 7 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

#### Marginal Citations

**M19** Regulations 37, 37A and 37B were substituted for regulation 37 by [S.I. 1992/247](#). Regulation 37 was amended by [S.I. 1993/2113](#), 1996/1460 and 1996/2306. Regulation 37A was substituted by [S.I. 1998/1381](#). Regulations 37AA and 37AB were inserted by [S.I. 1994/2319](#). Regulation 37AA was amended by [S.I. 1996/2306](#) and 1996/1460.

6. As if in regulation 38(2A) <sup>M20</sup> (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period)—

- (a) for the words “adjudicating authority” in both places in which they occur there were substituted the words “ Secretary of State ”;
- (b) in sub-paragraph (a) for the words “the Secretary of State has” there were substituted the word “ he ”; and
- (c) in sub-paragraph (c)—
  - (i) the words “the Secretary of State has certified” were omitted;
  - (ii) the word “that” in each place in which it occurs were omitted;
  - (iii) in head (ii), for the word “him” there were substituted the words “ the Secretary of State ”.]

#### Textual Amendments

**F2** Sch. 7 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

#### Marginal Citations

**M20** Regulation 38 (2A) was inserted by [S.I. 1989/1686](#) and amended by [S.I. 1993/2113](#).

## SCHEDULE 8

Article 3(9)

### MODIFICATION OF THE SOCIAL SECURITY (PAYMENTS ON ACCOUNT, OVERPAYMENTS AND RECOVERY) REGULATIONS 1988

[<sup>F31</sup>1. As if in regulation 1(2) <sup>M21</sup> (interpretation), for the definition of “adjudicating authority” there were substituted the following definition—

““adjudicating authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998, the Chief

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or other Commissioner, or a tribunal consisting of any three or more Commissioners constituted in accordance with section 16(7) of that Act;”.

**Textual Amendments**

**F3** Sch. 8 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

**Marginal Citations**

**M21** The relevant amending instrument is [S.I. 1991/2742](#).

2. As if in regulation 2(1)(b) <sup>M22</sup> (making of interim payments), for the words “a reference, review,” there were substituted the word “an”.

**Textual Amendments**

**F3** Sch. 8 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

**Marginal Citations**

**M22** The relevant amending instrument is [S.I. 1996/30](#).

3. As if in regulation 5(2) (offsetting prior payment against subsequent award)—  
(a) for Case 1 there were substituted the following case—

**“Case 1: Payment pursuant to a decision which is revised or superseded, or overturned on appeal**

Where a person has been paid a sum by way of benefit pursuant to a decision which is subsequently revised under section 9 of the Social Security Act 1998, superseded by a decision under section 10 of that Act or overturned on appeal”; and

(b) in Case 2, the words “, on review or appeal,” were omitted.

**Textual Amendments**

**F3** Sch. 8 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

4. As if in the heading to Part VI the words “REVISION OF DETERMINATION AND” were omitted.

**Textual Amendments**

**F3** Sch. 8 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

5. As if in regulation 12 (circumstances in which determination need not be revised) for the words—

(a) “or revision of determination” there were substituted the words “, revision or supersession”; and



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- (b) “for reviewing and revising the determination under which payment was made” there were substituted the words “ for the decision pursuant to which the payment was made to be revised under section 9 of the Social Security Act 1998 or superseded under section 10 of that Act ”.]

#### Textual Amendments

- F3** Sch. 8 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

### SCHEDULE 9

Article 3(10)

#### AMENDMENT OF THE SOCIAL SECURITY (INCAPACITY BENEFIT—INCREASES FOR DEPENDANTS) REGULATIONS 1994

In regulation 3 (allocation of contributions for a spouse or child)—

- (a) in paragraph (1), for the words “may be determined by the adjudicating authority so as to” there shall be substituted the word “ would ”; and
- (b) in paragraph (3), the definition of “adjudicating authority” shall be omitted.

### SCHEDULE 10

Article 3(11)

#### AMENDMENT OF THE SOCIAL SECURITY (INCAPACITY FOR WORK) (GENERAL) REGULATIONS 1995

- 1.** In regulation 2 (interpretation) the definitions of “adjudication officer”, “the President” and “social security appeal tribunal” shall be omitted.
- 2.** In regulation 18(2) (disqualification for misconduct etc.) for the words “may be determined under Part II of the Administration Act” there shall be substituted the words “ the Secretary of State may determine ”.
- 3.** Chapter V of Part II <sup>M23</sup> (adjudication) is hereby revoked.

#### Marginal Citations

- M23** Regulation 20 was substituted by [S.I. 1995/987](#) and regulation 22 was amended by [S.I. 1995/987](#).

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## SCHEDULE 11

Article 3(12)

AMENDMENT OF THE DISABILITY WORKING ALLOWANCE AND  
INCOME SUPPORT (GENERAL) AMENDMENT REGULATIONS 1995

In regulation 19(5) <sup>M24</sup> (transitional provisions with regard to the Income Support Regulations), for the words “Where an adjudication officer on or after 13th April 1995, determines” there shall be substituted the words “ Where it is determined on or after 13th April 1995 ”.

**Marginal Citations**

**M24** Regulation 19(5) was amended by [S.I. 1995/2303](#).

**Marginal Citations**

**M24** Regulation 19(5) was amended by [S.I. 1995/2303](#).

## SCHEDULE 12

Article 3(13)

AMENDMENT OF THE SOCIAL SECURITY (PERSONS FROM  
ABROAD) MISCELLANEOUS AMENDMENTS REGULATIONS 1996

In regulation 12(3), after the words “Social Security Administration Act 1992” there shall be inserted the words “ or a decision is made in relation to that entitlement under section 9 or section 10 of the Social Security Act 1998 ”.

## SCHEDULE 13

Article 3(14)

MODIFICATION OF THE SOCIAL SECURITY BENEFIT  
(COMPUTATION OF EARNINGS) REGULATIONS 1996

[<sup>F4</sup>1. Subject to the following provisions of this Schedule, as if for the words “the adjudicating authority” and “an adjudicating authority” in each place in which they occur there were substituted the words “ the Secretary of State ”.

**Textual Amendments**

**F4** Sch. 13 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

2. As if in regulation 2(1) (interpretation), the definition of “adjudicating authority” were omitted.

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**Textual Amendments**

**F4** Sch. 13 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

3. As if in regulation 4 (notional earnings)—
- (a) in paragraph (1) for the words “of the determination of the claim or of any subsequent review the adjudicating authority shall treat the claimant” there were substituted the words “ on which a decision falls to be made by the Secretary of State under Chapter II of Part I of the Social Security Act 1998 or regulations made thereunder the claimant shall be treated ”; and
  - (b) in paragraph (2) for the words “the adjudicating authority shall treat the claimant” there were substituted the words “ the claimant shall be treated ”.

**Textual Amendments**

**F4** Sch. 13 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

4. As if in regulation 6(8) (calculation of earnings of employed earners) in paragraph (b)(ii)(bb) of the definition of “part-time employment”, for the words “of review” there were substituted the words “ on which a revision or supersession of a decision falls to be made ”.

**Textual Amendments**

**F4** Sch. 13 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

5. As if in regulation 13(8) (calculation of net profit of self-employed earners), for the words “The adjudicating authority shall refuse to make a deduction” there were substituted the words “ A deduction shall not be made ”.

**Textual Amendments**

**F4** Sch. 13 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

6. As if in regulation 14(2) (deduction of tax and contributions for self-employed earners) for the words “of the determination of the claim or of any subsequent review” in both places in which they occur there were substituted the words “ on which a decision is made by the Secretary of State under Chapter II of Part I of the Social Security Act 1998 or regulations made thereunder ”.

**Textual Amendments**

**F4** Sch. 13 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

7. As if regulation 16 (transitional provision to suspend benefit and make interim payments) were omitted.]

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### Textual Amendments

- F4** Sch. 13 revoked (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 1, **Sch. 20 para. 1(b)**

## SCHEDULE 14

Article 4

### TRANSITIONAL PROVISIONS

#### 1. In this Schedule—

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1995<sup>M25</sup>,

“all work test” has the meaning it bears in regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations 1995<sup>M26</sup>;

“relevant enactment” has the meaning it bears in section 8(4); and

“medically qualified panel member” and “legally qualified panel member” have the meanings they bear in regulation 1(3) of the Regulations.

### Marginal Citations

**M25** [S.I. 1995/1801](#); regulations 3 and 10 were amended by [S.I. 1996/182](#) and 2450.

**M26** [S.I. 1995/311](#).

**2.—**(1) Subject to sub-paragraph (4) below, a decision which fell to be made before 6th September 1999 (but which was not made before that date)—

(a) on a claim for; or

(b) under or by virtue of Part II of the Administration Act in relation to,

a relevant benefit (other than a decision which fell to be made on appeal) shall be made by the Secretary of State under paragraph (a) or, as the case may be, paragraph (c) of section 8(1).

(2) Subject to sub-paragraph (4) below, any reference of a disablement question made in relation to a relevant benefit which fell to be determined before 6th September 1999 but which was not determined before that date shall be determined by the Secretary of State.

(3) In sub-paragraph (2) above “disablement question” shall be construed in accordance with section 45 of the Administration Act.

(4) An appeal tribunal shall determine any case referred to a medical appeal tribunal under section 46(3)(b) of the Administration Act for a decision in relation to a relevant benefit which was not determined before 6th September 1999.

**3.—**(1) Any application duly made before 6th September 1999 under Part II of the Administration Act for a review of a decision (other than a decision given on appeal) in relation to a relevant benefit which was not decided before that date shall on or after that date be treated as an application to the Secretary of State—

(a) where the application is made—

(i) within three months of the date on which the applicant was notified of the decision, or within such longer period as may be allowed under sub-paragraph (3) below; and

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(ii) other than on the ground of a relevant change of circumstances,  
for a revision of that decision under section 9; or

(b) in any other case, for a decision under section 10 to supersede that decision.

(2) Any application duly made before 6th September 1999 under Part II of the Administration Act for a review of a decision given on appeal in relation to a relevant benefit shall on or after that date be treated as an application to the Secretary of State for a decision under section 10 to supersede that decision.

(3) Subject to sub-paragraphs (4) and (5) below, the period of three months specified in sub-paragraph (1)(a) above may be extended where an application for such an extension is made before 6th October 2000 by a claimant or a person acting on his behalf containing—

- (a) the grounds on which an extension of time is sought; and
- (b) sufficient details of the decision to enable it to be identified.

(4) An application for an extension of time shall not be granted under sub-paragraph (3) above unless the Secretary of State is satisfied that—

- (a) it is reasonable to grant that application;
- (b) the application for review has merit; and
- (c) special circumstances are relevant to the application for extension of time as a result of which it was not practicable for the application for review to be made within three months of the date of the adjudication officer's decision being notified to the claimant.

(5) In deciding whether to grant an extension of time no account shall be taken of the following factors—

- (a) that the claimant or any person acting for him misunderstood or was unaware of the law applicable to his case (including misunderstanding or being unaware of the period specified in sub-paragraph (1)(a) above); or
- (b) that a Commissioner or a court has taken a different view of the law from that previously understood and applied by the adjudication officer.

(6) Where, by virtue of sub-paragraph (1)(b) or (2) above—

- (a) a decision is made under section 10 which is advantageous to the applicant; and
- (b) the same decision could have been made on a review prior to 6th September 1999,

that decision shall take effect from the date on which it would have taken effect had the decision been so made.

**4.—(1)** A decision (other than a decision of a social security appeal tribunal, a medical appeal tribunal or a Commissioner), made before 6th September 1999—

- (a) on a claim for; <sup>F5</sup>...

[<sup>F6</sup>(aa) under or by virtue of Part III of the Social Security Act 1975; or]

- (b) under or by virtue of Part II of the Administration Act in relation to,

a relevant benefit, shall be treated on or after that date as a decision of the Secretary of State under paragraph (a) or, as the case may be, paragraph (c) of section 8(1).

(2) Where, before 6th September 1999, any person was required to give notice to the claimant of a decision referred to in paragraph (1) above, and such notice has not been given to the claimant before that date, the Secretary of State shall on or after that date give notice to the claimant of that decision.

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### Textual Amendments

- F5** Word in Sch. 14 para. 4(1)(a) omitted (16.10.2006) by virtue of [Social Security Act 1998 \(Commencement Nos.9 and 11\) \(Amendment\) Order 2006 \(S.I. 2006/2540\)](#), arts. 1(2), **2(4)(a)**
- F6** Sch. 14 para. 4(1)(aa) inserted (16.10.2006) by [Social Security Act 1998 \(Commencement Nos.9 and 11\) \(Amendment\) Order 2006 \(S.I. 2006/2540\)](#), arts. 1(2), **2(4)(b)**

5.—(1) This paragraph applies where the time limit for making an appeal to a social security appeal tribunal or a medical appeal tribunal in respect of a decision in relation to a relevant benefit made before 6th September 1999 has not expired before that date.

(2) Where sub-paragraph (1) applies, regulation 3 of the Adjudication Regulations as it relates to the period within which an appeal may be made, or an extension of that period, shall, notwithstanding regulation 59 of the Regulations, continue to have effect, subject to the modifications in sub-paragraph (3) below, with respect to any appeal to an appeal tribunal made on or after 6th September 1999 in relation to that decision.

(3) The modifications referred to in sub-paragraph (2) above are as if—

- (a) references to—
- (i) a chairman or a person considering the application were references to a legally qualified panel member;
  - (ii) a tribunal were references to an appeal tribunal constituted under Chapter I of Part I of the Act;
- (b) in paragraph (3E) <sup>M27</sup> for the words from “6 years” to the end of the paragraph there were substituted the words “6th October 2000”.

(4) Notwithstanding regulation 3 of the Regulations, the Secretary of State may revise under section 9 a decision given before 6th September 1999 on a claim for or award of a relevant benefit (other than a decision given on appeal)—

- (a) pursuant to an application for a review of a decision made within three months of the notification of that decision; or
- (b) where an appeal has been duly made against that decision but not determined.

(5) Where a decision is revised pursuant to sub-paragraph (4) above the appeal shall lapse unless the decision as revised is not more advantageous to the appellant than the decision before it was revised.

### Marginal Citations

- M27** Paragraph (3E) was inserted by [S.I. 1996/182](#).

6. An appeal to a social security appeal tribunal or a medical appeal tribunal in relation to a relevant benefit which was duly made before 6th September 1999 and which has not been determined before that date shall, without prejudice to Chapter III of Part V of the Regulations, be treated on or after that date as an appeal duly made to an appeal tribunal in relation to a decision of the Secretary of State under section 8.

7.—(1) This paragraph applies where a clerk to—

- (a) a social security appeal tribunal; or
- (b) a medical appeal tribunal,

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has before 6th September 1999 given a direction under regulation 22(1) or, as the case may be, 38(1) of the Adjudication Regulations in connection with an appeal in relation to a relevant benefit to that tribunal, and the notification mentioned in paragraph (1A)<sup>M28</sup> of that regulation 22 or paragraph (1A) (a) of that regulation 38 has not been received by the clerk before that date.

(2) A notification in response to such a direction given under that regulation 22(1) or regulation 38(1) shall be—

- (a) in writing; and
- (b) made within 14 days of receipt of the direction or within such other period as the clerk to an appeal tribunal may direct.

(3) An appeal may be struck out by the clerk to an appeal tribunal where the notification referred to in sub-paragraph (2) above is not received within the period specified in that sub-paragraph.

(4) An appeal which has been struck out in accordance with sub-paragraph (3) above shall be treated for the purpose of reinstatement as if it had been struck out under regulation 46 of the Regulations.

(5) An oral hearing of the appeal shall be held where—

- (a) a notification is received by the clerk to the appeal tribunal under sub-paragraph (2) above; or
- (b) the chairman of the appeal tribunal or, in the case of an appeal tribunal which has only one member, that member is satisfied that such a hearing is necessary to enable the appeal tribunal to reach a decision.

#### **Marginal Citations**

**M28** Regulation 22(1A) and regulation 38(1A) were inserted by [S.I. 1996/2540](#).

**8.** Where an appeal to a social security appeal tribunal or a medical appeal tribunal in relation to a relevant benefit has been struck out under regulation 7 of the Adjudication Regulations, a legally qualified panel member may on or after 6th September 1999, on an application made by any party to the proceedings not later than three months from the date of the order under paragraph (1) of that regulation, reinstate the appeal if he is satisfied that—

- (a) the applicant did not receive a notice under paragraph (2) of that regulation; and
- (b) the conditions in paragraph (2A) of that regulation were not satisfied,

and the appeal shall then be treated as an appeal to an appeal tribunal in relation to a decision of the Secretary of State under section 8.

**9.** An appeal tribunal shall completely rehear any appeal to a social security appeal tribunal or a medical appeal tribunal in relation to a relevant benefit which stands adjourned immediately before 6th September 1999.

**10.** A copy of a statement of—

- (a) the reasons for a decision of a social security appeal tribunal or, as the case may be, a medical appeal tribunal in relation to a relevant benefit; and
- (b) its findings on questions of fact material thereto,

shall be supplied to each party to the proceedings before that tribunal, if requested by any such party within 21 days of the date on which notification of that decision was given or sent.

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**11.**—(1) Subject to sub-paragraph (2) below, any decision of a social security appeal tribunal or a medical appeal tribunal in relation to a relevant benefit shall be treated as a decision of an appeal tribunal made under section 12.

(2) Where sub-paragraph (1) above applies, any application for leave to appeal which is made for the purposes of section 14(10)(a) shall be made no later than three months after the date on which a copy of the statement of the decision of the social security appeal tribunal or, as the case may be, the medical appeal tribunal was given or sent to the applicant.

**12.**—(1) Subject to sub-paragraph (3) below, regulation 10 of the Adjudication Regulations, and regulation 3 of those Regulations in so far as it relates to that regulation 10, shall, notwithstanding regulation 59 of the Regulations, continue to have effect, subject to the modifications specified in sub-paragraph (2) below, in relation to any application to set aside a decision of a social security appeal tribunal or a medical appeal tribunal in relation to a relevant benefit.

(2) The modifications referred to in sub-paragraph (1) above are as if in—

- (a) regulation 3 for the reference to a chairman there were substituted a reference to a legally qualified panel member; and
- (b) regulation 10(1) the first reference to the adjudicating authority which gave the decision or to an authority of like status were a reference to an appeal tribunal constituted under Chapter I of Part I of the Act.

(3) Paragraph (1) above shall not apply in any case where an application to set aside a decision of a social security appeal tribunal or a medical appeal tribunal is made after 6th October 2000.

**13.** Where, immediately before 6th September 1999, payment of a relevant benefit was suspended or withheld by virtue of any provision of Part V of the Social Security (Claims and Payments) Regulations 1987<sup>M29</sup> (suspension and extinguishment), the provisions of Chapter I of Part III of the Regulations (suspension and termination) shall apply with respect to that suspension or withholding as if it were a suspension imposed by virtue of those provisions.

#### Marginal Citations

**M29** S.I. 1987/1968; relevant amending instruments are S.I. 1992/247, 1993/2113, 1994/2319 and 1996/1460 and 2306.

**14.** For the purpose of section 10(1)(b), a decision of a Commissioner made before 6th September 1999 as respects a relevant benefit shall be treated as a decision of a Commissioner made under section 14.

**15.** A determination of the Secretary of State (including a determination made following a change of circumstances) whether a person is, or is to be treated as, capable or incapable of work shall be conclusive for the purposes of any decision which falls to be made—

- (a) under a relevant enactment; or
- (b) on a claim for or award of—
  - (i) housing benefit; or
  - (ii) council tax benefit.

**16.**—(1) Where before 29th November 1999, in relation to a determination for any purpose to which Part XIIA of the Contributions and Benefits Act<sup>M30</sup> applies, a determination falls to be made as to—

- (a) whether a person is, or is to be treated as, capable or incapable of work in respect of any period; or



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(b) whether a person is terminally ill,  
that determination shall be made by the Secretary of State, notwithstanding—

- (i) regulation 1(2)(e) and (f) of the Regulations; and
- (ii) that other matters fall to be determined by another authority.

(2) An appeal shall lapse where the Secretary of State makes a determination pursuant to sub-paragraph (1) above in relation to a case where an appeal against a decision of an adjudication officer has been made but not determined provided that the decision as revised is more advantageous to the appellant than the decision before it was revised.

(3) Where—

- (a) the Secretary of State reverses a determination under section 171C of the Contributions and Benefits Act that a person satisfies or is treated as satisfying the all work test; and
- (b) that determination which is reversed is necessary to or embodied in a decision in relation to which Part II of the Administration Act continues to have effect,

an adjudication officer shall revise that decision upon review in consequence of that reversal.

#### Marginal Citations

**M30** Part XIII A was inserted by the [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\), section 5](#).

**17.—**(1) An appeal made by or on behalf of a person against a decision of an adjudication officer (other than a decision in relation to a relevant benefit) which incorporates a determination as to whether the all work test is satisfied or treated as satisfied—

- (a) shall be heard by a social security appeal tribunal which consists of two persons, one being a medically qualified panel member and the other being a legally qualified panel member; and
- (b) may be heard with an appeal made by or on behalf of the same person against a decision of the Secretary of State which incorporates such a determination.

(2) Where an appeal to which sub-paragraph (1) above applies is heard with an appeal to an appeal tribunal—

- (a) section 13 shall not apply in relation to the appeal to the appeal tribunal; and
- (b) notwithstanding regulation 59 of the Regulations, regulation 24 of the Adjudication Regulations and regulation 3 of, and Schedule 2 to, those Regulations in so far as they relate to regulation 24 shall have effect on and after 6th September 1999 in relation to the appeal to the appeal tribunal subject to the modifications specified in sub-paragraph (3) below.

(3) The modifications referred to in sub-paragraph (2) above are as if references in the provisions described in that sub-paragraph to—

- (a) an adjudication officer were to the Secretary of State;
- (b) an appeal tribunal were to an appeal tribunal constituted under Chapter I of Part I of the Act;
- (c) the clerk to the tribunal were to a clerk to an appeal tribunal constituted under Chapter I of Part I of the Act;
- (d) the chairman of an appeal tribunal and a chairman of appeal tribunals were to a chairman of an appeal tribunal constituted under Chapter I of Part I of the Act or, in the case of a tribunal which has only one member, that member; and
- (e) the words “under section 41(4) of the Administration Act” were omitted.

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- rev.in pt. and amended by [S.I. 1999/3178 art.3\(1\)\(20\)Sch.20](#)