



# Social Security Act 1975

## 1975 CHAPTER 14

### PART III

#### DETERMINATION OF CLAIMS AND QUESTIONS

##### *Adjudication generally*

#### **117 Finality of decisions**

- (1) Subject to the provisions of this Part of this Act, the decision of any claim or question in accordance with those provisions shall be final; and subject to the provisions of any regulations under section 114, the decision of any claim or question in accordance with those regulations shall be final.
- (2) Subsection (1) above shall not make any finding of fact or other determination embodied in or necessary to a decision, or on which it is based, conclusive for the purpose of any further decision.
- (3) A decision (given under section 107(2) of this Act or otherwise) that an accident was an industrial accident is to be taken as determining only that paragraphs (a), (b) and (c) of section 107(5) are satisfied in relation to the accident, and neither any such decision nor the reference to a medical board or medical appeal tribunal under section 108 of the disablement questions in connection with any claim to or award of disablement benefit 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 ; but—
  - (a) a decision that on a particular occasion when there was no such event 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; and
  - (b) 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 107, without its having been found that personal injury resulted from the accident

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*Status: This is the original version (as it was originally enacted). This  
item of legislation is currently only available in its original format.*

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(saving always the discretion under section 107(3) to refuse to determine the question if it is unlikely to be necessary for the purposes of a claim for benefit).

- (4) Notwithstanding anything in subsection (2) or (3) above (but subject to the provisions of this Part of this Act as to appeal and review), where for purposes of disablement benefit in respect of an accident it has been found by a medical board or medical appeal tribunal, on the determination or last determination of the disablement questions, that an injury resulted in whole or in part from the accident, then for purposes of industrial death benefit in respect of that accident (including benefit on a death occurring before the passing of this Act) the finding shall be conclusive that the injury did so result.

The reference in this subsection to a medical board includes a medical practitioner determining disablement questions on a reference under section 111.

- (5) Subsections (2) to (4) above shall apply as regards the effect to be given in any proceedings to any decision, or to a reference under section 108 of this Act, whether the decision was given or reference made or the proceedings were commenced before or after the passing of the National Insurance Act 1972 (section 5 of which is replaced by this section), except that it shall not affect the determination of any appeal under section 112 from a decision of a medical appeal tribunal given before the passing of that Act, nor affect any proceedings consequent on such an appeal from a decision so given; and accordingly—
- (a) any decision given before the passing of that Act that a claimant was not entitled to industrial death benefit may be reviewed in accordance with this Part of this Act to give effect to subsection (4) above; and
  - (b) the references in subsections (2) and (3) above to provisions of this Act, and the reference in this section to section 108, shall (so far as necessary) include the corresponding provisions of previous Acts.