



Social Security Act 1998

1998 CHAPTER 14

PART I

DECISIONS AND APPEALS

CHAPTER I

GENERAL

Decisions

1 Transfer of functions to Secretary of State

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”).

Modifications etc. (not altering text)

- C1** S. 1(a): transfer of functions (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), ss. 2(1)(b), 20(2), [Sch. 2 para. 5\(a\)](#) (with s. 19)

Commencement Information

- I1** S. 1 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))
- I2** S. 1(a) in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with art. 5, [Sch. 12](#))

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Security Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- | | |
|-----------|------------------------------------------------------------------------------------------------------------------------------|
| I3 | S. 1(a) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), Sch. 1 (with art. 4, Sch. 14) |
| I4 | S. 1(a) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, Sch. 1 (with art. 3, Sch. 2) |
| I5 | S. 1(a) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), Sch. 1 (with art. 4, Schs. 16-18) |
| I6 | S. 1(c) in force at 1.6.1999 by S.I. 1999/1510, art. 2(a) (with arts. 48-51) |

2 Use of computers

- (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; ^{F1}...
 - (h) the Social Security (Recovery of Benefits) Act 1997^{F2}; or
 - (i) the State Pension Credit Act 2002].
- (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).

Textual Amendments

- F1** Word in s. 2(2) repealed (7.4.2003) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 3**; S.I. 2003/966, art. 2(b), Sch.
- F2** S. 2(2)(i) and word inserted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 1 para. 5**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)

Modifications etc. (not altering text)

- C2** S. 2 applied (with modifications) (4.3.1999 for specified purposes, 5.7.1999 for specified purposes) by Pension Schemes Act 1993 (c. 48), s. 170(1) (as substituted by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 131 (with s. 83, Sch. 6); S.I. 1999/528, art. 2(a), Sch.; S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with art. 5, Sch. 12))

Commencement Information

- I7** S. 2 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Security Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- I8** S. 2(1)(2)(b)-(h)(3) in force at 8.9.1998 by S.I. 1998/2209, art. 2(a), **Sch. Pt. I**
- I9** S. 2(2)(a) in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I10** S. 2(2)(a) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I11** S. 2(2)(a) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I12** S. 2(2)(a) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

3 Use of information

- (1) Subsection (2) below applies to information relating to ^{F3}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.

^{F4}(1A) The matters are—

- (a) social security, child support or war pensions;
- (b) employment or training;
- (c) private pensions policy;
- (d) retirement planning.]

(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 ^{F5}any of the matters specified in subsection (1A) above]; and
- (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.

^{F6}(3)

(4) In this section “the Northern Ireland Department” means the Department of Health and Social Services for Northern Ireland ^{F7}or the Department for Employment and Learning in Northern Ireland].

^{F8}(5) In this section—

“private pensions policy” means policy relating to occupational pension schemes or personal pension schemes (within the meaning given by section 1 of the Pension Schemes Act 1993);

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

Textual Amendments

- F3** Words in s. 3(1) substituted (18.11.2004) by Pensions Act 2004 (c. 35), s. 322(2)(a), **Sch. 10 para. 1(2)** (with s. 313)
- F4** S. 3(1A) inserted (18.11.2004) by Pensions Act 2004 (c. 35), s. 322(2)(a), **Sch. 10 para. 1(3)** (with s. 313)
- F5** Words in s. 3(2)(a) substituted (18.11.2004) by Pensions Act 2004 (c. 35), s. 322(2)(a), **Sch. 10 para. 1(4)** (with s. 313)

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Security Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- F6** S. 3(3) repealed (9.9.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 8\(1\)](#); S.I. 2002/2256, art. 2(c), Sch.
- F7** Words in s. 3(4) inserted (9.9.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 6 para. 1\(c\)](#); S.I. 2002/2256, art. 2(a)
- F8** S. 3(5) inserted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), s. 322(2)(a), [Sch. 10 para. 1\(5\)](#) (with s. 313)

Modifications etc. (not altering text)

- C3** S. 3(1) extended by [Social Security Administration Act 1992 \(c. 5\)](#), [s. 2B\(9\)](#) (as inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), ss. 57, 89(4)(a))
- C4** S. 3(1) extended by [Social Security Administration \(Northern Ireland\) Act 1992 \(c. 8\)](#), [s. 2B\(9\)](#) (as inserted (1.12.1999) by [The Welfare Reform and Pensions \(Northern Ireland\) Order 1999 \(S.I. 1999/3147\)](#), arts. 1(4)(b), 54)
- C5** S. 3(2)(a) applied (with modifications) (1.10.2004) by [The Welfare Food Regulations 1996 \(S.I. 1996/1434\)](#), [reg. 22\(1\)](#), [Sch. 6](#) (as amended by S.I. 2004/2311, regs. 1(2), 2)

Commencement Information

- I13** S. 3 in force at 8.9.1998 by [S.I. 1998/2209](#), art. 2(a), [Sch. Pt. I](#)

Appeals

4 Unified appeal tribunals

(1) Subject to the provisions of this Act—

- (a) the functions of social security appeal tribunals, disability appeal tribunals and medical appeal tribunals constituted under Part II of the Administration Act;
- (b) the functions of child support appeal tribunals established under section 21 of the Child Support Act; and
- (c) the functions of vaccine damage tribunals established by regulations made under section 4 of the Vaccine Damage Payments Act 1979 (“the Vaccine Damage Payments Act”),

are hereby transferred to appeal tribunals constituted under the following provisions of this Chapter.

(2) Accordingly appeals under—

- (a) section 12 below;
- (b) section 20 of the Child Support Act, as substituted by section 42 below;
- (c) section 4 of the Vaccine Damage Payments Act, as substituted by section 46 below; and
- (d) section 11 of the Social Security (Recovery of Benefits) Act 1997,

shall be determined by appeal tribunals so constituted (in the following provisions of this Chapter referred to as “appeal tribunals”).

Commencement Information

- I14** S. 4 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))
- I15** S. 4(1)(a)(2)(a) in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with art. 5, [Sch. 12](#))

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Security Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- I16** S. 4(1)(a)(2)(a) in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I17** S. 4(1)(a)(2)(a) in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I18** S. 4(1)(a)(c)(2)(a)(c) in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I19** S. 4(1)(b)(2)(b) in force at 1.6.1999 by [S.I. 1999/1510](#), art. 2(b) (with arts. 48-51)

5 President of appeal tribunals

- (1) The Lord Chancellor may, after consultation with the Lord Advocate, appoint a President of appeal tribunals.
- (2) A person is qualified to be appointed President if—
 - (a) he has a 10 year general qualification (construed in accordance with section 71 of the Courts and Legal Services Act 1990); or
 - (b) he is an advocate or solicitor in Scotland of at least 10 years' standing.
- (3) Schedule 1 to this Act shall have effect for supplementing this section.

Modifications etc. (not altering text)

- C6** Ss. 5-7 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), 5
- C7** S. 5(1): functions of Lord Advocate transferred (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\)](#), arts. 1, 2(1), **Sch.**
- C8** S. 5(1): functions treated as exercisable in or as regards Scotland (30.6.1999) by [The Scotland Act 1998 \(Functions Exercisable in or as Regards Scotland\) Order 1999 \(S.I. 1999/1748\)](#), arts. 1, 3, **Sch. 1 para. 19**
- C9** S. 5(1): functions transferred in relation to Scotland (1.7.1999) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 1999 \(S.I. 1999/1750\)](#), arts. 1(1), 2, **Sch. 1** (with art. 7); [S.I. 1998/3178](#), art. 3

Commencement Information

- I20** S. 5 in force at 1.6.1999 by [S.I. 1999/1510](#), art. 2(c) (with arts. 48-51)
- I21** S. 5 in force at 29.11.1999 for further specified purposes by [S.I. 1999/3178](#), art. 2(1)(b) (with art. 4, Schs. 21-23)
- I22** S. 5(3) in force at 31.3.2000 for further specified purposes by [S.I. 1999/3178](#), art. 2(3) (with art. 4, Schs. 21-23)

6 Panel for appointment to appeal tribunals

- (1) The Lord Chancellor shall constitute a panel of persons to act as members of appeal tribunals.
- (2) Subject to subsection (3) below, the panel shall be composed of [^{F9}persons appointed by the Lord Chancellor].
- (3) The panel shall include persons possessing such qualifications as may be prescribed by regulations made with the concurrence of the Lord Chancellor.

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Security Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F10}(3A) As part of the selection process for the appointment of a medical practitioner as a member of the panel, the Judicial Appointments Commission shall consult the Chief Medical Officer.]
- (4) The numbers of persons appointed to the panel, and the terms and conditions of their appointments, shall be determined by the Lord Chancellor with the consent of the Secretary of State.
- (5) A person may be removed from the panel by the Lord Chancellor on the ground of incapacity or misbehaviour^[F11]; but the Lord Chancellor may remove such a person only with the concurrence of the appropriate senior judge].
- [^{F12}(5A) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the person to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session.]
- (6) In this section “the Chief Medical Officer” means—
- (a) in relation to England, the Chief Medical Officer of the Department of Health;
 - (b) in relation to Wales, the Chief Medical Officer of the Welsh Office; and
 - (c) in relation to Scotland, the Chief Medical Officer of the [^{F13}Scottish Administration].

Textual Amendments

- F9** Words in s. 6(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 272(2)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F10** S. 6(3A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 272(3)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F11** Words in s. 6(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 272(4)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F12** S. 6(5A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 272(5)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F13** Words in s. 6(6)(c) substituted (1.7.1999) by The Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999 (S.I. 1999/1042), art. 1(2)(c), **Sch. 3 Pt. I para. 4**; S.I. 1998/3178, art. 3

Modifications etc. (not altering text)

- C6** Ss. 5-7 applied (with modifications) (25.2.2005) by The Child Trust Funds (Non-tax Appeals) Regulations 2005 (S.I. 2005/191), regs. 1(1), **5**

Commencement Information

- I23** S. 6(3) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**
- I24** S. 6 in force at 1.6.1999 in so far as not already in force by S.I. 1999/1510, **art. 2(c)** (with arts. 48-51)
- I25** S. 6 in force at 29.11.1999 for further specified purposes by S.I. 1999/3178, **art. 2(1)(b)** (with art. 4, Schs. 21-23)

7 Constitution of appeal tribunals

- (1) Subject to subsection (2) below, an appeal tribunal shall consist of one, two or three members drawn by the President from the panel constituted under section 6 above.
- (2) The member, or (as the case may be) at least one member, of an appeal tribunal must—

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Security Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) have a general qualification (construed in accordance with section 71 of the Courts and Legal Services Act 1990); or
 - (b) be an advocate or solicitor in Scotland.
- (3) Where an appeal tribunal has more than one member—
- (a) the President shall nominate one of the members as chairman;
 - (b) decisions shall be taken by a majority of votes; and
 - (c) unless regulations otherwise provide, the chairman shall have any casting vote.
- (4) Where it appears to an appeal tribunal that a matter before it involves a question of fact of special difficulty, then, unless regulations otherwise provide, the tribunal may require one or more experts to provide assistance to it in dealing with the question.
- (5) In subsection (4) above “expert” means a member of the panel constituted under section 6 above who appears to the appeal tribunal concerned to have knowledge or experience which would be relevant in determining the question of fact of special difficulty.
- (6) Regulations shall make provision with respect to—
- (a) the composition of appeal tribunals;
 - (b) the procedure to be followed in allocating cases among differently constituted tribunals; and
 - (c) the manner in which expert assistance is to be given under subsection (4) above.
- (7) Schedule 1 to this Act shall have effect for supplementing this section.

Modifications etc. (not altering text)

- C6** Ss. 5-7 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), 5

Commencement Information

- I26** S. 7(6) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)
- I27** S. 7(7) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)
- I28** S. 7 in force at 1.6.1999 in so far as not already in force by [S.I. 1999/1510](#), [art. 2\(c\)](#) (with [arts. 48-51](#))
- I29** S. 7 in force at 29.11.1999 for further specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(b\)](#) (with [art. 4](#), [Schs. 21-23](#))
- I30** S. 7(7) in force at 31.3.2000 for further specified purposes by [S.I. 1999/3178](#), [art. 2\(3\)](#) (with [art. 4](#), [Schs. 21-23](#))

Status:

Point in time view as at 03/04/2006.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Social Security Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations.