



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Status: Point in time view as at 06/04/2016.

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}...
 - ^{F3}(i) the State Pension Credit Act 2002; ^{F4}...
 - ^{F5}(j) Part 1 of the Welfare Reform Act 2007;
 - ^{F6}(k) Part 1 of the Welfare Reform Act 2012; ^{F7}...
 - ^{F8}(l) Part 4 of that Act;
 - ^{F9}(m) Part 1 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).

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** Word in s. 2(2)(h) repealed (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 8**; S.I. 2008/787, art. 2(4)(g)
- F3** S. 2(2)(i) and preceding 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)
- F4** Word in s. 2(2) repealed (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 44(a)**; S.I. 2013/983, art. 3(1)(b)(iii)

Status: Point in time view as at 06/04/2016.

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)

- F5** S. 2(2)(j) and preceding word inserted (27.7.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 17(2)**; S.I. 2008/787, art. 2(3)(a)
- F6** S. 2(2)(k) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 44(b)**; S.I. 2013/983, art. 3(1)(b)(iii)
- F7** Word in s. 2(2)(k) omitted (6.4.2016) by virtue of Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 32(a)**
- F8** S. 2(2)(l) and word inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 38**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F9** S. 2(2)(m) inserted (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 32(b)**

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)
- 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 [^{F10}any of the matters specified in subsection (1A) below] which is held—
- by the Secretary of State or the Northern Ireland Department; or
 - by a person providing services to the Secretary of State or the Northern Ireland Department in connection with the provision of those services.

[^{F11}(1A) The matters are—

- social security ^{F12}... or war pensions;
[child support ^{F14}... ;]
- employment or training;
- private pensions policy;
- retirement planning;
- [the investigation or prosecution of offences relating to tax credits;]
- [the Diffuse Mesothelioma Payment Scheme.]]

- (2) Information to which this subsection applies—

Status: Point in time view as at 06/04/2016.

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) may be used for the purposes of, or for any purposes connected with, the exercise of functions in relation to [^{F17}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.

^{F18}(3)

(4) In this section “the Northern Ireland Department” means the Department of Health and Social Services for Northern Ireland [^{F19}or the Department for Employment and Learning in Northern Ireland].

[^{F20}(5) In this section—

“private pensions policy” means policy relating to—

- (a) [^{F21}occupational pension schemes or personal pension schemes (within the meaning given by section 1 of the Pension Schemes Act 1993);]^{F22}or
- (b) occupational pension 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.]

Textual Amendments

- F10** 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)
- F11** 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)
- F12** Words in s. 3(1A)(a) omitted (6.4.2010) by virtue of Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 3(2)(a)**; S.I. 2010/697, art. 2(b)
- F13** S. 3(1A)(aa) inserted (6.4.2010) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 7 para. 3(2)(b)**; S.I. 2010/697, art. 2(b)
- F14** Words in s. 3(1A)(aa) omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 64(a)**
- F15** S. 3(1A)(e) inserted (8.5.2012) by Welfare Reform Act 2012 (c. 5), **ss. 127(10)**, 150(2)(f)
- F16** S. 3(1A)(f) inserted (31.3.2014) by Mesothelioma Act 2014 (c. 1), s. 19(1), **Sch. 1 para. 21**; S.I. 2014/459, art. 3(c)
- F17** 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)
- F18** 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.
- F19** 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)
- F20** 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)
- F21** S. 3(5): in definition of “private pensions policy” words renumbered as para. (a) (26.1.2009) by Pensions Act 2008 (c. 30), **ss. 63(6)(a)**, 149(1); S.I. 2009/82, **art. 2(1)(a)**
- F22** S. 3(5): in definition of “private pensions policy” para. (b) and word inserted (26.1.2009) by Pensions Act 2008 (c. 30), **ss. 63(6)(b)**, 149(1); S.I. 2009/82, **art. 2(1)(a)**

Status: Point in time view as at 06/04/2016.

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)

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) applied (with modifications) (N.I.) (27.11.2006) by [The Healthy Start Scheme and Day Care Food Scheme Regulations \(Northern Ireland\) 2006 \(S.R. 2006/478\)](#), reg. 1, **Sch. 5**
- C6** 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**

Status:

Point in time view as at 06/04/2016.

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.