



Social Security Act 1998

1998 CHAPTER 14

PART I

DECISIONS AND APPEALS

CHAPTER II

SOCIAL SECURITY DECISIONS AND APPEALS

Appeals

12 Appeal to [^{F1}First-tier Tribunal]

- (1) This section applies to any decision of the Secretary of State under section 8 or 10 above (whether as originally made or as revised under section 9 above) which—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; [^{F2}or]
 - (b) is made otherwise than on such a claim or award, and falls within Schedule 3 to this Act; ^{F3}...
 - ^{F3}(c)

[^{F4}(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 [^{F5}the First-tier Tribunal], but nothing in this subsection shall confer a right of appeal—

- [^{F6}(a)] in relation to a prescribed decision, or a prescribed determination embodied in or necessary to a decision [^{F7}, 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.

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- [^{F8}(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.]
- [^{F9}(3D) In the case of a decision relating to child benefit or guardian’s allowance, the making of any appeal under this section against the decision as originally made must follow the Commissioners for Her Majesty’s Revenue and Customs first deciding, on an application made for revision of that decision under section 9, not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 [^{F10}, 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 [^{F11}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 [^{F12}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—
- [^{F13}(a)] make provision as to the manner in which, and the time within which, appeals are to be brought;
 - [^{F14}(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.]
- (8) In deciding an appeal under this section, [^{F15}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.

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Textual Amendments

- F1** Words in s. 12 heading substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 149\(a\)](#)
- F2** Word in s. 12(1) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 7 para. 25\(2\)\(a\)](#) (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F3** S. 12(1)(c) and preceding word repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 25(2)(b), [Sch. 10 Pt. I](#) (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F4** S. 12(2) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 7 para. 25\(3\)](#) (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F5** Words in s. 12(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 149\(b\)](#)
- F6** Words in s. 12(2) renumbered as s. 12(2)(a) (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 102\(2\)\(a\)](#), 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 37
- F7** S. 12(2)(b) and preceding word inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 102\(2\)\(b\)](#), 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 37
- F8** S. 12(3A)-(3C) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 102\(3\)](#), 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 37
- F9** S. 12(3D) inserted (6.4.2014) by [The Tax Credits, Child Benefit and Guardian's Allowance Reviews and Appeals Order 2014 \(S.I. 2014/886\)](#), arts. 1(1), [4\(1\)](#) (with art. 1(5))
- F10** Words in s. 12(4) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 105\(6\)](#), 150(3); S.I. 2013/358, art. 5(2)(3)(b)
- F11** Words in s. 12(4) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 149\(b\)](#)
- F12** Words in s. 12(5) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 149\(b\)](#)
- F13** Words in s. 12(7) renumbered as s. 12(7)(a) (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 102\(4\)\(a\)](#), 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 37
- F14** S. 12(7)(b) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 102\(4\)\(b\)](#), 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 37
- F15** Words in s. 12(8) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 149\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 12 applied (with modifications) by 1993 c. 48, s. 170(6) (as substituted (14.6.1999 for specified purposes) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), [ss. 16\(2\)](#), 28(3) (with Sch. 8); S.I. 1999/1662, art. 2, Sch. (with art. 4))
- C2** Ss. 12-15 applied (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), s. 20(2), [Sch. 4 para. 3\(2\)\(a\)](#) (with s. 19)
- C3** S. 12 applied (with application in accordance with reg. 1(3)(d)(e)(f) of the amending S.I.) by [The Social Security \(Work-focused Interviews for Lone Parents\) and Miscellaneous Amendments Regulations 2000 \(S.I. 2000/1926\)](#), regs. 1(3), [9](#)
- C4** S. 12 applied (22.10.2001) by [The Social Security \(Jobcentre Plus Interviews\) Regulations 2001 \(S.I. 2001/3210\)](#), regs. 1, [14\(3\)](#)
- C5** S. 12 applied (with modifications) (temp.) (17.12.2002) by [The Tax Credits \(Appeals\) Regulations 2002 \(S.I. 2002/2926\)](#), regs. 1(1)(2), [4](#)
- C6** S. 12 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), [6](#)
- C7** S. 12 applied (with modifications) (6.4.2010) by [The National Insurance Contribution Credits \(Transfer of Functions\) Order 2009 \(S.I. 2009/1377\)](#), arts. 1(1), [3\(2\)\(d\)](#), [4](#)

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Commencement Information

- I1** S. 12 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)
- I2** S. 12(1) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**
- I3** S. 12(1)(a)(b)(2)-(9) 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)
- I4** S. 12(1)(a)(b)(2)-(4)(6)-(9) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I5** S. 12(1)(a)(b)(2)-(4)(6)-(9) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I6** S. 12(1)(a)(b)(2)-(4)(6)-(9) 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)
- I7** S. 12(2)(3)(6)(7) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**

13 Redetermination etc. of appeals by tribunal

- (1) This section applies where an application is made [^{F16}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].
- [^{F17}(2) If the person considers that the decision was erroneous in point of law, he may set aside the decision and refer the case either for redetermination by the tribunal or for determination by a differently constituted tribunal.]
- (3) If each of the principal parties to the case expresses the view that the decision was erroneous in point of law, [^{F18}the First-tier Tribunal] shall set aside the decision and refer the case for determination by a differently constituted [^{F19}First-tier Tribunal].
- [^{F20}(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.]

Textual Amendments

- F16** Words in s. 13(1) substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833), art. 1(1)(5), **Sch. 3 para. 150(a)**
- F17** S. 13(2) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833), art. 1(1)(5), **Sch. 3 para. 150(b)**
- F18** Words in s. 13(3) substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833), art. 1(1)(5), **Sch. 3 para. 150(c)(i)**
- F19** Words in s. 13(3) substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008](#) (S.I. 2008/2833), art. 1(1)(5), **Sch. 3 para. 150(c)(ii)**
- F20** S. 13(4) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999](#) (c. 2), s. 28(3), **Sch. 7 para. 26** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

Modifications etc. (not altering text)

- C2** Ss. 12-15 applied (5.10.1999) by [Tax Credits Act 1999](#) (c. 10), s. 20(2), **Sch. 4 para. 3(2)(a)** (with s. 19)
- C8** Ss. 13-18 applied (with modifications) by [Pension Schemes Act 1993](#) (c. 48), s. 170(7) (as substituted (14.6.1999 for specified purposes, 5.7.1999 in so far as not already in force) by [Social Security](#)

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Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), ss. 16(2), 28(3) (with Sch. 8); S.I. 1999/1662, art 2, Sch. (with art. 4))

- C9** S. 13 applied (with modifications) (temp.) (17.12.2002) by The Tax Credits (Appeals) Regulations 2002 (S.I. 2002/2926), regs. 1(1)(2), 5
- C10** S. 13 applied (with modifications) (25.2.2005) by The Child Trust Funds (Non-tax Appeals) Regulations 2005 (S.I. 2005/191), regs. 1(1), 7
- C11** S. 13 applied (with modifications) (6.4.2010) by The National Insurance Contribution Credits (Transfer of Functions) Order 2009 (S.I. 2009/1377), arts. 1(1), 3(2)(e), 4

Commencement Information

- I8** S. 13 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)
- I9** S. 13 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), Sch. 1 (with art. 4, Sch. 14)
- I10** S. 13 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, Sch. 1 (with art. 3, Sch. 2)
- I11** S. 13 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)
- I12** S. 13 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)

14 Appeal from [F²¹First-tier Tribunal to Upper Tribunal]

F²²(1)

F²³(2)

- (3) F²⁴... an appeal [F²⁵to 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—
 - (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 [F²⁶to 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 F²⁷... (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.

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- [^{F28}(7) If each of the principal parties to the appeal expresses the view that the decision appealed against was erroneous in point of law, the Commissioner may set aside the decision and refer the case to a tribunal with directions for its determination.
- (8) Where the Commissioner holds that the decision appealed against was erroneous in point of law, he shall set it aside and—
- (a) he shall have power—
 - (i) to give the decision which he considers the tribunal should have given, if he can do so without making fresh or further findings of fact; or
 - (ii) if he considers it expedient, to make such findings and to give such decision as he considers appropriate in the light of them; and
 - (b) in any other case he shall refer the case to a tribunal with directions for its determination.
- (9) Subject to any direction of the Commissioner, a reference under subsection (7) or (8) (b) above shall be to a differently constituted tribunal.
- (10) No appeal lies under this section without the leave—
- (a) of the person who constituted, or was the chairman of, the tribunal when the decision was given or, in a prescribed case, the leave of such other person as may be prescribed; or
 - (b) subject to and in accordance with regulations, of a Commissioner.
- (11) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought and applications made for leave to appeal.
- (12) Schedule 4 to this Act shall have effect with respect to the appointment, remuneration and tenure of office of Commissioners and other matters relating to them.]

Textual Amendments

- F21** Words in s. 14 heading substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 151\(a\)](#)
- F22** S. 14(1) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 151\(b\)](#)
- F23** S. 14(2) repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 7 para. 27\(a\)](#), [Sch. 10 Pt. I](#) (with [Sch. 8](#)); S.I. 1999/527, art. 2(b), [Sch. 2](#) (with arts. 3-6)
- F24** Words in s. 14(3) repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 7 para. 27\(b\)](#), [Sch. 10 Pt. I](#) (with [Sch. 8](#)); S.I. 1999/527, art. 2(b), [Sch. 2](#) (with arts. 3-6)
- F25** Words in s. 14(3) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 151\(c\)](#)
- F26** Words in s. 14(4) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 151\(c\)](#)
- F27** Word in s. 14(6) repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 10 Pt. I](#) (with [Sch. 8](#)); S.I. 1999/527, art. 2(b), [Sch. 2](#) (with arts. 3-6)
- F28** S. 14(7)-(12) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), [Sch. 3 para. 151\(d\)](#)

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Modifications etc. (not altering text)

- C2** Ss. 12-15 applied (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), s. 20(2), [Sch. 4 para. 3\(2\)\(a\)](#) (with s. 19)
- C8** Ss. 13-18 applied (with modifications) by [Pension Schemes Act 1993 \(c. 48\)](#), [s. 170\(7\)](#) (as substituted (14.6.1999 for specified purposes, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), ss. 16(2), 28(3) (with Sch. 8); S.I. 1999/1662, art 2, Sch. (with art. 4))
- C12** S. 14 applied (with modifications) (temp.) (17.12.2002) by [The Tax Credits \(Appeals\) Regulations 2002 \(S.I. 2002/2926\)](#), regs. 1(1)(2), [6](#), [7](#)
- C13** S. 14 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), [8](#), [9](#)
- C14** S. 14 applied (with modifications) (6.4.2010) by [The National Insurance Contribution Credits \(Transfer of Functions\) Order 2009 \(S.I. 2009/1377\)](#), arts. 1(1), [3\(2\)\(f\)](#), [4](#)
- C15** S. 14(7)-(12) applied (29.1.2007) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), [ss. 159](#), 199(1)(4); S.I. 2006/3397, art. 2(2)(a); S.S.I. 2007/10, art. 2(2)(a)
- C16** S. 14(7)-(12) applied (with modifications) (1.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), [ss. 51\(3\)](#), 62(3); S.I. 2008/1476, art. 3(2)(b)

Commencement Information

- I13** S. 14 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](#))
- I14** S. 14 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with art. 4, [Sch. 14](#))
- I15** S. 14 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with art. 3, [Sch. 2](#))
- I16** S. 14 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](#))
- I17** S. 14 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](#))
- I18** S. 14(3)(10)(11) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)
- I19** S. 14(12) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)

15 ^[F29]Applications for permission to appeal against a decision of the Upper Tribunal

^[F30](1) Subject to subsections (2) and (3) below, an appeal on a question of law shall lie to the appropriate court from any decision of a Commissioner.

(2) No appeal under this section shall lie from a decision except—

- (a) with the leave of the Commissioner who gave the decision or, in a prescribed case, with the leave of a Commissioner selected in accordance with regulations; or
- (b) if he refuses leave, with the leave of the appropriate court.]

(3) ^[F31]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 ^[F32]Upper Tribunal] were begun, was entitled to appeal to the ^[F32]Upper Tribunal] from the decision to which the ^[F33]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;

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(c) any other person who is authorised by regulations to apply for [^{F34}permission]; [^{F35}and regulations may make provision with respect to the manner in which and the time within which applications must be made to a Commissioner for leave under this section and with respect to the procedure for dealing with such applications.]

[^{F36}(4) On an application to a Commissioner for leave under this section it shall be the duty of the Commissioner to specify as the appropriate court—

- (a) the Court of Appeal if it appears to him that the relevant place is in England or Wales;
- (b) the Court of Session if it appears to him that the relevant place is in Scotland; and
- (c) the Court of Appeal in Northern Ireland if it appears to him that the relevant place is in Northern Ireland,

except that if it appears to him, having regard to the circumstances of the case and in particular to the convenience of the persons who may be parties to the proposed appeal, that he should specify a different court mentioned in paragraphs (a) to (c) above as the appropriate court, it shall be his duty to specify that court as the appropriate court.

(5) In this section—

“the appropriate court”, except in subsection (4) above, means the court specified in pursuance of that subsection;

“the relevant place”, in relation to an application for leave to appeal from a decision of a Commissioner, means the premises where the person or authority whose decision was the subject of the Commissioner’s decision usually exercises his or its functions.]

Textual Amendments

- F29** S. 15 heading substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 152(a)**
- F30** S. 15(1)(2) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 152(b)**
- F31** Words in s. 15(3) substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 152(c)(i)**
- F32** Words in s. 15(3)(a) substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 152(c)(ii)**
- F33** Words in s. 15(3)(a) substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 152(c)(iii)**
- F34** Word in s. 15(3)(c) substituted except in relation to S. for specified purposes (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 152(c)(iv)**
- F35** Words in s. 15(3) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 152(c)(v)**
- F36** S. 15(4)(5) omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 152(d)**

Modifications etc. (not altering text)

- C2** Ss. 12-15 applied (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), s. 20(2), **Sch. 4 para. 3(2)(a)** (with s. 19)
- C8** Ss. 13-18 applied (with modifications) by [Pension Schemes Act 1993 \(c. 48\)](#), s. 170(7) (as substituted (14.6.1999 for specified purposes, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), ss. 16(2), 28(3) (with Sch. 8); S.I. 1999/1662, art 2, Sch. (with art. 4))

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) [View outstanding changes](#)

- C17** S. 15 applied (temp.) (17.12.2002) by [The Tax Credits \(Appeals\) Regulations 2002 \(S.I. 2002/2926\)](#), regs. 1(1)(2), **8**
- C18** S. 15 applied (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), **10**
- C19** S. 15 applied (with modifications) (E.W.S.) (6.4.2010) by [The National Insurance Contribution Credits \(Transfer of Functions\) Order 2009 \(S.I. 2009/1377\)](#), arts. 1(1), **3(2)(g)**, 4

Commencement Information

- I20** S. 15 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](#))
- I21** S. 15 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), **Sch. 1** (with art. 4, [Sch. 14](#))
- I22** S. 15 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, **Sch. 1** (with art. 3, [Sch. 2](#))
- I23** S. 15 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](#))
- I24** S. 15 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](#))
- I25** S. 15(2)(3) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), **Sch.**

[^{F37} **15A. Functions of Senior President of Tribunals**

- (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.

^{F38}(2)

^{F38}(3)]

Textual Amendments

- F37** S. 15A inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 153**
- F38** S. 15A(2)(3) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 79**, 115(3)(i)

Modifications etc. (not altering text)

- C20** S. 15A applied (with modifications) (6.4.2010) by [The National Insurance Contribution Credits \(Transfer of Functions\) Order 2009 \(S.I. 2009/1377\)](#), arts. 1(1), **3(2)(h)**, 4

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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2010/1907 reg. 16\(2\)\(c\)Sch. 2](#)
- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2010/875 revoked (27.8.2010) before coming into force by S.I. 2010/1906, regs. 1(2), 2)
- Act modified by [S.S.I. 2024/62 art. 2](#)
- Act modified by [S.I. 2024/149 art. 2](#)
- Act power to apply (with modifications) conferred by [2004 c. 6 s. 24\(5\)-\(7\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38(1A) inserted by [2009 c. 24 s. 20\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- Sch. 2 para. 7A and cross-head inserted by [2012 c. 5 Sch. 2 para. 50\(3\)](#)
- Sch. 18 functions modified by [S.I. 2000/2853 reg. 3\(1\)Sch. 2 para. 4](#)
- Sch. 24 functions modified by [S.I. 2000/2853 reg. 3\(1\)Sch. 2 para. 5](#)