
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](#)

SCHEDULES

SCHEDULE 6

TRANSITORY PROVISIONS

Appeals to Commissioners

- 4 (1) In relation to any time before the commencement of section 14(7) of this Act, section 23 of the Administration Act (appeal from social security appeal tribunal to Commissioner) shall have effect as if—
- (a) after subsection (6) there were inserted the following subsection—
- “(6A) 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.
- In this subsection “principal parties” means—
- (a) in a case relating to statutory sick pay or statutory maternity pay, the persons mentioned in subsection (2)(a), (b) and (c) above;
- (b) in any other case—
- (i) the persons mentioned in subsection (3)(a) and (b) above; and
- (ii) where applicable, the person mentioned in subsection (3)(d) and such a person as is first mentioned in subsection (4) of that section.”; and
- (b) in subsection (8), for the words “subsection (7)(b) above” there were substituted the words “subsection (6A) or (7)(b) above”.
- (2) In relation to any such time, section 34 of that Act (appeal from social security appeal tribunals or disability appeal tribunals to Commissioners etc.) shall have effect as if, in subsection (4), for the words “(7) to (10) of section 23” there were substituted the words “(6A) to (10) of section 23”.
- (3) In relation to any such time, section 48 of that Act (appeal etc. on question of law to Commissioner) shall have effect as if—
- (a) after subsection (4) there were inserted the following subsection—
- “(4A) 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 medical appeal tribunal with directions for its determination.
- In this subsection “principal parties” means the persons mentioned in subsection (1)(a), (b) and (d) above.”; and

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- (b) in subsection (6), for the words “subsection (5) above” there were substituted the words “subsection (4A) or (5) above”.

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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](#)