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STATUTORY INSTRUMENTS

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**1998 No. 1381**

**SOCIAL SECURITY**

**The Social Security (Claims and Payments) Amendment Regulations 1998**

<i>Made</i>	- - - -	<i>3rd June 1998</i>
<i>Laid before Parliament</i>		<i>9th June 1998</i>
<i>Coming into force</i>	- -	<i>30th June 1998</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 5(1)(nn) and 189(4) to (6) of the Social Security Administration Act 1992(1), and of all other powers enabling her in that behalf, by this instrument, which contains only regulations made by virtue of section 83 of, and paragraph 5 of Schedule 6 to, the Social Security Act 1998(2) and which is made before the end of the period of six months beginning with the coming into force of that enactment(3), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Claims and Payments) Amendment Regulations 1998 and shall come into force on 30th June 1998.

**Amendment of the Social Security (Claims and Payments) Regulations 1987**

2. For regulation 37A of the Social Security (Claims and Payments) Regulations 1987(4) (suspension in identical cases) there shall be substituted the following regulation—

“37A. Where—

- (a) an appeal is pending against the decision given in a case (“the primary case”) by a Commissioner or a court; and

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(1) 1992 c. 5. Paragraph 5(1) of Schedule 6 to the Social Security Act 1998 (c. 14) provides that in relation to any time before the commencement of section 21(2)(d) of that Act, section 5(1) of this Act is to have effect as if paragraph (nn) was inserted after paragraph (n).

(2) 1998 c. 14.

(3) See section 173(5)(b) of the Social Security Administration Act 1992. This section provides that regulations made by virtue of, or consequential upon, an enactment which is made before the end of six months from the coming into force of that enactment are not required to be referred to the Social Security Advisory Committee.

(4) S.I.1987/1968. Regulation 37A was inserted by S.I. 1992/247 and replaced by S.I. 1993/2113.

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*Status: This is the original version (as it was originally made).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

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(b) it appears to the Secretary of State that if the appeal were to be determined in a particular way an issue would arise whether the award in another case (“the secondary case”) ought to be revised,

the Secretary of State may direct that payment of benefit under the award in the secondary case be suspended, in whole or in part, for as long as the appeal against the decision given in the primary case is pending.”.

Signed by authority of the Secretary of State for Social Security.

3rd June 1998

*Keith Bradley*  
Parliamentary Under-Secretary of  
State, Department of Social Security

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Social Security (Claims and Payments) Regulations 1987 in relation to the suspension of payment of benefit under an award. They provide that the Secretary of State may suspend payment, in whole or in part, where an appeal is pending against the decision given in a different case by a Social Security Commissioner or a court, and it appears to the Secretary of State that if the appeal were to be determined in a particular way an issue would arise whether the award in the case itself ought to be revised.

These Regulations are made before the end of the period of six months beginning with the coming into force of section 83 of, and paragraph 5 of Schedule 6 to, the Social Security Act 1998; they are accordingly exempt from referral to the Social Security Advisory Committee under section 173(5) (b) of the Social Security Administration Act 1992 and have not been so referred.

These Regulations do not impose any costs on business.