

## STATUTORY INSTRUMENTS

# 1999 No. 1495

## SOCIAL SECURITY

### The [<sup>F1</sup>Forfeiture] Regulations 1999

Made	- - - -	26th May 1999
Laid before Parliament		21st April 1999
Coming into force	- -	1st June 1999

The Lord Chancellor, in exercise of the powers conferred by sections 14 to 16, 28, 79(2) and 84 of, and Schedules 4 and 5 to, the Social Security Act 1998<sup>F2</sup>, section 4(2) of the Forfeiture Act 1982<sup>F3</sup> and of all other powers enabling him in that behalf, after consultation with the Lord Advocate and, in accordance with section 8 of the Tribunals and Inquiries Act 1992<sup>F4</sup>, with the Council on Tribunals, makes the following Regulations, a draft of which has, in accordance with section 80(1) of the Social Security Act 1998 been laid before and approved by resolution of each House of Parliament—

- F1** Word in Short Title substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 131**
- F2** [1998 c. 14](#). Section 84 is an interpretation provision and is cited because of the meaning assigned to the word “prescribe”.
- F3** [1982 c. 34](#). Section 4(2) was amended by [S.I. 1984/1818](#).
- F4** [1992 c. 53](#).

## PART I

### GENERAL PROVISIONS

#### Citation and commencement

1. These Regulations may be cited as the [<sup>F5</sup>Forfeiture] Regulations 1999 and shall come into force on 1st June 1999.

- F5** Word in reg. 1 substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 131**

**Status:** Point in time view as at 01/01/2014.

**Changes to legislation:** The Social Security Commissioners (Procedure) Regulations 1999 is up to date with all changes known to be in force on or before 10 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## Revocation

<sup>F6</sup>**2.** .....

**F6** Reg. 2 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 132**

## Transitional provisions

<sup>F7</sup>**3.** .....

**F7** Reg. 3 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 132**

## Interpretation

**4.**—<sup>F8</sup>**[**(1)**]** In these Regulations, unless the context otherwise requires—

“<sup>F9</sup>**[**the 1998 Act**]**” means the Social Security Act 1998;

<sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F10</sup> ...

(i) <sup>F10</sup> ...

(ii) <sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F10</sup> ...

<sup>F11</sup>**(2)** .....

<sup>F11</sup>**(3)** .....

**F8** Reg. 4(1): reg. 4 renumbered as reg. 4(1) (2.7.2001) by The Social Security Commissioners (Procedure) (Amendment) Regulations 2001 (S.I. 2001/1095), regs. 1(1), **3(a)**

**F9** Words in reg. 4(1) substituted (2.7.2001) by The Social Security Commissioners (Procedure) (Amendment) Regulations 2001 (S.I. 2001/1095), regs. 1(1), **3(b)**

**F10** Words in reg. 4(1) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 133(a)** (with arts. 3(2)(d), 4)

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**F11** Reg. 4(2)(3) omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007](#) (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 133(b)**

## General powers of a Commissioner

**F12** 5. ....

**F12** Reg. 5 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

## Transfer of proceedings between Commissioners

**F13** 6. ....

**F13** Reg. 6 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

## Delegation of functions to authorised officers

**F14** 7. ....

**F14** Reg. 7 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

## Manner of and time for service of notices, etc.

**F15** 8. ....

**F15** Reg. 8 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

## [**F16** Funding of legal services

**F17** 8A]. ....

**F16** Reg. 8A inserted (28.2.2005) by [Social Security and Child Support Commissioners \(Procedure\) \(Amendment\) Regulations 2005](#) (S.I. 2005/207), regs. 1(1), **2(5)**

**F17** Reg. 8A omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

# PART II

## APPLICATIONS FOR LEAVE TO APPEAL, APPEALS AND REFERENCES

### Application to a Commissioner for leave to appeal

**F18** 9. ....

**F18** Reg. 9 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

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## Notice of application to a Commissioner for leave to appeal

<sup>F19</sup>10. ....

**F19** Reg. 10 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

## Determination of application

<sup>F20</sup>11. ....

**F20** Reg. 11 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

## Notice of appeal

<sup>F21</sup>12. ....

**F21** Reg. 12 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

## Time limit for appealing after leave obtained

<sup>F22</sup>13. ....

**F22** Reg. 13 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 134

## References under the Forfeiture Act 1982

**14.**—(1) For the purposes of section 4(5) of the Forfeiture Act 1982, [<sup>F23</sup>the 1998 Act] shall be prescribed as a relevant enactment.

<sup>F24</sup>(2) ....

<sup>F24</sup>(3) ....

**F23** Words in reg. 14(1) substituted (2.7.2001) by [The Social Security Commissioners \(Procedure\) \(Amendment\) Regulations 2001 \(S.I. 2001/1095\)](#), regs. 1(1), **5(a)**

**F24** Reg. 14(2)(3) omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 135**

## Further provisions relating to references under the Forfeiture Act 1982

<sup>F25</sup>15. ....

**F25** Reg. 15 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

## Acknowledgement of a notice of appeal or a reference and notification to each respondent

<sup>F26</sup>16. ....

**F26** Reg. 16 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

## **PART III**

### **PROCEDURE**

#### **Representation**

<sup>F27</sup>**17.** . . . . .

**F27** Reg. 17 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

#### **Respondent's written observations**

<sup>F28</sup>**18.** . . . . .

**F28** Reg. 18 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

#### **Written observations in reply**

<sup>F29</sup>**19.** . . . . .

**F29** Reg. 19 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

#### **Directions**

<sup>F30</sup>**20.** . . . . .

**F30** Reg. 20 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

#### **Procedure on linked case notice from the Secretary of State**

<sup>F31</sup>**21.** . . . . .

**F31** Reg. 21 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

#### **Non-disclosure of medical evidence**

<sup>F32</sup>**22.** . . . . .

**F32** Reg. 22 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

#### **Requests for hearings**

<sup>F33</sup>**23.** . . . . .

**F33** Reg. 23 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

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## Hearings

<sup>F34</sup>**24.** . . . . .

**F34** Reg. 24 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

## Summoning of witnesses

<sup>F35</sup>**25.** . . . . .

**F35** Reg. 25 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

## Withdrawal of applications for leave to appeal, appeals and references

<sup>F36</sup>**26.** . . . . .

**F36** Reg. 26 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

## Irregularities

<sup>F37</sup>**27.** . . . . .

**F37** Reg. 27 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

# PART IV DECISIONS

## Determinations and decisions of a Commissioner

<sup>F38</sup>**28.** . . . . .

**F38** Reg. 28 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

## Procedure after determination of a forfeiture rule question

<sup>F39</sup>**29.** . . . . .

**F39** Reg. 29 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

## Correction of accidental errors in decisions

<sup>F40</sup>**30.** . . . . .

**F40** Reg. 30 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

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## Setting aside decisions on certain grounds

<sup>F41</sup>**31.** . . . . .

**F41** Reg. 31 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

## Provisions common to regulations 30 and 31

<sup>F42</sup>**32.** . . . . .

**F42** Reg. 32 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

# PART V

## APPLICATIONS FOR LEAVE TO APPEAL TO THE APPELLATE COURT

### Application to a Commissioner for leave to appeal to the Appellate Court

<sup>F43</sup>**33.** . . . . .

**F43** Reg. 33 omitted (3.11.2008) by virtue of S.I. 2008/2683, Sch. 1, para. 136

Dated 26th May 1999

*Irvine of Lairg, C.*

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## EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations regulate the procedure of the Social Security Commissioners in determining claims and questions arising from decisions of the unified appeals tribunals established under section 7 of the Social Security Act 1998. These Regulations also prescribe the procedure to be followed in the case of a reference made under the Forfeiture Act 1982. These Regulations revoke the Social Security Commissioners (Procedure) Regulations 1987 and amending instruments and are necessary as a result of the introduction of the unified appeals tribunals established under the 1998 Act.



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