

SCHEDULE 17

Article 3(17)

AMENDMENT OF THE SOCIAL SECURITY
(RECOVERY OF BENEFITS) REGULATIONS 1997

For paragraph (3) of regulation 12 (transitional provisions) there shall be substituted the following paragraphs—

“(3) Any appeal under section 98 of the 1992 Act made on or after 6th October 1997 which has not been determined before 29th November 1999 shall be referred to an appeal tribunal constituted in accordance with paragraph (3I) below.

(3A) Any appeal duly made before 6th October 1997 which has not been referred to a medical appeal tribunal or a social security appeal tribunal shall be referred to and determined by an appeal tribunal constituted in accordance with paragraph (3I) below.

(3B) Any appeal duly made before 6th October 1997 and referred to a medical appeal tribunal shall be determined by an appeal tribunal constituted in accordance with paragraph (3I) below which shall determine all issues.

(3C) Any appeal duly made before 6th October 1997 and referred to a social security appeal tribunal shall be determined by an appeal tribunal which shall consist of a legally qualified panel member and in making its determination, the appeal tribunal shall be bound by any decision of a medical appeal tribunal to which a question under section 98(5) of the 1992 Act was referred.

(3D) An appeal tribunal constituted in accordance with paragraph (3I) below shall completely rehear any appeal made under section 98 of the 1992 Act which stands adjourned immediately before 29th November 1999.

(3E) Where a Commissioner holds that the decision of a medical appeal tribunal or a social security appeal tribunal on an appeal made before 6th October 1997 was erroneous in law and refers the case to an appeal tribunal, that appeal tribunal shall be constituted in accordance with paragraph (3I) below and shall determine all issues in accordance with the Commissioner’s direction.

(3F) Regulation 11 of the Social Security (Recoupment) Regulations 1990 (“the 1990 Regulations”) and regulation 12 of those Regulations shall have effect in relation to any appeal under section 98 of the 1992 Act made on or after 6th October 1997 with the modification that for the word “chairman” in each place in which it occurs there were substituted the words “legally qualified panel member”

(3G) Regulation 13 of the 1990 Regulations shall have effect in relation to any appeal under section 98 of the 1992 Act made on or after 6th October 1997.

(3H) Any other transitional question arising from an appeal made under section 98 of the 1992 Act in consequence of the coming into force of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the 1999 Regulations”) shall be determined by a legally qualified panel member who may for this purpose give such directions consistent with these regulations as are necessary.

(3I) For the purposes of paragraphs (3) to (3B) and (3E) above an appeal tribunal shall be constituted under Chapter I of Part I of the Social Security Act 1998 as though the appeal were made under section 11(1)(b) of the 1997 Act.

(3J) In this regulation, “legally qualified panel member” has the meaning it bears in regulation 1(3) of the 1999 Regulations.”.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999, SCHEDULE 17.