



Social Security Act 1998

1998 CHAPTER 14

PART I

DECISIONS AND APPEALS

CHAPTER II

SOCIAL SECURITY DECISIONS AND APPEALS

Decisions

8 Decisions by Secretary of State

- (1) Subject to the provisions of this Chapter, it shall be for the Secretary of State—
 - (a) to decide any claim for a relevant benefit;
 - (b) to decide any claim for a social fund payment mentioned in section 138(1)(b) of the Contributions and Benefits Act; ^{F1}and]
 - (c) subject to subsection (5) below, to make any decision that falls to be made under or by virtue of a relevant enactment; ^{F2}...
 - ^{F2}(d)
- (2) Where at any time a claim for a relevant benefit is decided by the Secretary of State—
 - (a) the claim shall not be regarded as subsisting after that time; and
 - (b) accordingly, the claimant shall not (without making a further claim) be entitled to the benefit on the basis of circumstances not obtaining at that time.
- (3) ^{F3}In this Chapter “relevant benefit” ... means any of the following, namely—
 - (a) benefit under Parts II to V of the Contributions and Benefits Act;
 - (b) a jobseeker’s allowance;
 - ^{F4}(bb) state pension credit;]
 - (c) income support;

Status: Point in time view as at 08/04/2003. This version of this provision has been superseded.

Changes to legislation: Social Security Act 1998, Section 8 is up to date with all changes known to be in force on or before 22 June 2024. 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)

- ^{F5}(d)
- ^{F5}(e)
- (f) a social fund payment mentioned in section 138(1)(a) or (2) of the Contributions and Benefits Act;
- (g) child benefit;
- (h) such other benefit as may be prescribed.

(4) In this section “relevant enactment” means any enactment contained in this Chapter, the Contributions and Benefits Act, the Administration Act, the Social Security (Consequential Provisions) Act 1992^{F6}, the Jobseekers Act or the State Pension Credit Act 2002], other than one contained in—

- (a) Part VII of the Contributions and Benefits Act so far as relating to housing benefit and council tax benefit;
- (b) Part VIII of the Administration Act (arrangements for housing benefit and council tax benefit and related subsidies).

^{F7}(5) Subsection (1)(c) above does not include any decision which under section 8 of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 falls to be made by an officer of the Inland Revenue.]

Textual Amendments

- F1** Word in s. 8(1) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 7 para. 22(2)(a)** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F2** S. 8(1)(d) 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. 22(2)(b), **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F3** Words in s. 8(3) repealed (6.4.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(3)(c), **Sch. 13 Pt. VI**; S.I. 1999/3420, art. 4(c)(e)
- F4** S. 8(3)(bb) inserted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 1 para. 6(2)**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)
- F5** S. 8(3)(d)(e) repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), Sch. 2
- F6** Words in s. 8(4) substituted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 1 para. 6(3)**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)
- F7** S. 8(5) substituted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 7 para. 22(3)** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

Modifications etc. (not altering text)

- C1** S. 8 modified (E.W.S.) (1.6.1999 for specified purposes, 5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 so far as not already in force) by [The Social Security and Child Support \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/991\)](#), regs. 1(2), **15**
- C2** S. 8(1)(a)(c): transfer of functions (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), ss. 2(1)(b), 20(2), **Sch. 2 para. 5(b)(i)** (with s. 19)

Commencement Information

- I1** S. 8 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)

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- I2** S. 8(1)(a)(c)(2)(3)(a)(g)(4)(5) 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)
- I3** S. 8(1)(a)(c)(2)(3)(a)(4)(5) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I4** S. 8(1)(a)(c)(2)(3)(d)(e)(4)(5) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I5** S. 8(1)(a)(c)(2)(3)(a)(b)(4)(5) 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)

Status:

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