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STATUTORY INSTRUMENTS

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**1994 No. 1082**

**SOCIAL SECURITY**

**The Social Security (Adjudication)  
Amendment Regulations 1994**

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| <i>Made</i>                   | - - - - | <i>13th April 1994</i> |
| <i>Laid before Parliament</i> |         | <i>20th April 1994</i> |
| <i>Coming into force</i>      | - -     | <i>11th May 1994</i>   |

The Secretary of State for Social Security, in exercise of the powers conferred by sections 46(3)(a), 59(1), 189(6), 191 of, and paragraphs 2 and 3 of Schedule 3 to the Social Security Administration Act 1992<sup>(1)</sup> and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992<sup>(2)</sup> and after agreement by the Social Security Advisory Committee that the proposals to make these Regulations need not be referred to it<sup>(3)</sup>, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Adjudication) Amendment Regulations 1994 and shall come into force on 11th May 1994.

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered paragraph, regulation or Schedule is a reference to the paragraph, regulation or Schedule bearing that number in the Social Security (Adjudication) Regulations 1986<sup>(4)</sup>.

**Amendment of regulation 1**

2. After paragraph (5) of regulation 1 there shall be added the following paragraph—

“(6) Unless otherwise provided, where by these Regulations any power is conferred on a chairman of an appeal tribunal, a medical appeal tribunal or a disability appeal tribunal then—

(a) if the power is to be exercised at the hearing of an appeal or application, it shall be exercised by the chairman of the tribunal hearing the appeal or application; and

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(1) 1992 c. 5.

(2) 1992 c. 53.

(3) See section 173(1)(b) and (7) of the Social Security Administration Act 1992.

(4) S.I.1986/2218: relevant amendment instruments are S.I. 1990/603, 1991/2889.

- (b) otherwise, it shall be exercised by a person who is eligible to be nominated to act as a chairman of an appeal tribunal under section 41 of the Administration Act(5).”.

#### **Amendment of regulation 5**

3. After paragraph (1) of regulation 5 there shall be inserted the following paragraph—  
“(1A) A chairman may of his own motion at any time before the beginning of the hearing postpone the hearing.”.

#### **Amendment of regulation 7**

4. In regulation 7—  
(a) in paragraph (1) after the word “prosecution” there shall be inserted the words “including the failure of the appellant to comply with a direction given by the chairman under regulation 2(1)(a)”;  
(b) in paragraph (2) for the words “Before making an order under paragraph (1) the chairman shall send notice” there shall be substituted the words “The chairman shall not make an order under paragraph (1) before a notice has been sent”;  
(c) in paragraph (3) after the words “the party concerned,” there shall be inserted the words “made not later than 12 months beginning with the date of the order made under paragraph (1).”.

#### **Amendment of Schedule 2**

5. In Schedule 2 for paragraph 3 there shall be substituted the following paragraph—

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| “3. Reference by the Secretary of State notifying the adjudication officer that a decision of an adjudicating medical practitioner ought to be considered by a medical appeal tribunal (section 46(3) of the Administration Act). | A local office.<br>3 months beginning with the date of the decision of the adjudicating medical practitioner.”. |
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Signed by authority of the Secretary of State for Social Security.

13th April 1994

*Astor*  
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 amend the Social Security (Adjudication) Regulations 1986 as follows—

- (a) regulation 1 (interpretation) is amended so that any person who is eligible to be nominated as a chairman of a tribunal may exercise a chairman's powers;
- (b) regulation 5 (postponement) is amended to enable a chairman to postpone a hearing of his own motion;
- (c) regulation 7 (striking-out of proceedings for want of prosecution) is amended to prevent the re-instatement of an appeal more than 12 months after it is struck out;
- (d) Schedule 2 (time limits for making references) is amended by the provision of a 3 month time limit for the Secretary of State to refer to an adjudication officer a decision which ought to be considered by a medical appeal tribunal.

These Regulations do not impose a charge on business.