
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by virtue of, or in consequence of, provisions in the Social Security Act 1998 (c. 14) (“the Act”) and supplement changes introduced by that Act to the decision-making process for social security and related matters. The Regulations also provide for the procedural rules and other requirements of a new unified appeals system introduced by the Act for social security, contracting out of pensions, child support and vaccine damage.

The Regulations are made before the end of the period of six months beginning with the coming into force of the relevant provisions in the Act and are therefore exempted from the requirement in section 172(1) of the Social Security Administration Act 1992 (c. 5) to refer proposals to make these Regulations to the Social Security Advisory Committee and are made without reference to that Committee. The Regulations are made after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992 (c. 53).

Part I of the Regulations contains provisions relating to commencement, citation and interpretation as well as service of notices or documents.

Part II of the Regulations makes provision for decisions by the Secretary of State in social security and related matters. Chapters I and II provide for the circumstances in which the Secretary of State may revise or supersede decisions, when such decisions take effect and related procedural rules. Chapter III contains miscellaneous provisions relating to decisions of the Secretary of State in social security, including certain relevant requirements formerly contained in the Social Security (Adjudication) Regulations 1995 and other related regulations which are now revoked. It also includes provision in relation to industrial injuries benefits for the Secretary of State to seek advice from a medical practitioner.

Part III of the Regulations makes provision for the suspension and termination of benefit and for dealing with decisions where there are related appeals or decisions.

Part IV concerns rights of appeal and the procedure for bringing appeals. Chapter I makes provision for additional persons to have a right of appeal, for decisions (other than those in the Act) against which there is no right of appeal and decisions where there is a right of appeal. It also provides procedural rules for bringing appeals.

Part V makes provision for appeal tribunals for social security, contracting out of pensions, vaccine damage and child support. Chapter I provides for the panel from which appeal tribunal members are drawn to include people with specified qualifications, for requirements relating to the composition of appeal tribunals and the assignment of clerks to tribunals. Chapters II to V of that Part provide for further matters relating to appeals and referrals. Chapter II makes provision for procedural requirements in the determination of appeals and referrals, including withdrawal of appeals or referrals, medical examinations and witnesses. Chapter III provides for the striking out of certain appeals and related procedures. Chapter IV provides for procedures at oral hearings and Chapter V makes provision relating to the decisions and reports of appeal tribunals and applications for leave to a Commissioner.

Part VI and Schedule 4 provide for revocations.

These Regulations do not impose a charge on business.