

SCHEDULES

SCHEDULE 8

Section 25.

SOCIAL SECURITY ADJUDICATIONS

PART I

GENERAL

- 1 (1) The functions of insurance officers appointed under the Social Security Act 1975, benefit officers appointed under the Supplementary Benefits Act 1976 and supplement officers appointed under the Family Income Supplements Act 1970 shall be exercised by officers to be called adjudication officers.
- (2) The functions of local tribunals constituted under the Social Security Act 1975 and of Appeal Tribunals constituted under the Supplementary Benefits Act 1976 shall be exercised by tribunals to be called social security appeal tribunals.
- (3) Accordingly—
- (a) any enactment or instrument passed or made before the coming into force of this paragraph shall have effect, so far as may be necessary in consequence of the changes made by this paragraph, as if—
 - (i) for any reference to an officer whose functions are transferred by sub-paragraph (1) above there were substituted a reference to an adjudication officer ; and
 - (ii) for any reference to a tribunal whose functions are transferred by sub-paragraph (2) above there were substituted a reference to a social security appeal tribunal; and
 - (b) documents and forms printed or duplicated for use in connection with the officers and tribunals whose functions are so transferred may be used notwithstanding that they contain references to such officers and tribunals and those references shall be construed as references to adjudication officers and social security appeal tribunals.
- (4) Without prejudice to the generality of sub-paragraph (3)(a) above the enactments specified in Parts II to V of this Schedule shall have effect subject to the amendments there specified.

PART II

AMENDMENTS OF SOCIAL SECURITY ACT 1975

- 2 The following subsections shall be substituted for section 97(1) and (2) of the Social Security Act 1975—

“97 Adjudication officers and bodies.

(1) Adjudication officers shall be appointed by the Secretary of State, subject to the consent of the Treasury as to number, and may include officers of the Department of Employment appointed with the concurrence of the Secretary of State in charge of that Department.

(1A) An adjudication officer may be appointed to perform all the functions of adjudication officers under any enactment or such functions of such officers as may be specified in his instrument of appointment.

(1B) The Secretary of State shall appoint a Chief Adjudication Officer.

(1C) It shall be the duty of the Chief Adjudication Officer to advise adjudication officers on the performance of their functions under this or any other Act.

(1D) The Chief Adjudication Officer shall keep under review the operation of the system of adjudication by adjudication officers under this and any other Act and matters connected with the operation of that system.

(IE) The Chief Adjudication Officer shall report annually in writing to the Secretary of State on the standards of adjudication and the Secretary of State shall publish his report.

(2) A social security appeal tribunal shall consist of a chairman and two other persons.

(2A) One of those persons shall be drawn from the panel mentioned in sub-paragraph (3) of paragraph 1 of Schedule 10 to this Act.

(2B) The other shall be drawn from the panel mentioned in sub-paragraph (4) of that paragraph.

(2C) The President shall nominate the chairman.

(2D) The President may nominate as chairman either himself or a person drawn—

(a) from the panel appointed by the Lord Chancellor or, as the case may be, the Lord President of the Court of Session under section 7 of the Tribunals and Inquiries Act 1971; or

(b) from the persons appointed to act as chairmen under paragraph IA of Schedule 10 to this Act.

(2E) Subject to regulations under paragraph 31 of Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983, no person shall be appointed chairman of a tribunal under subsection (2D)(a) above unless he is a barrister, advocate or solicitor of not less than 5 years' standing.”.

3 The following subsection shall be inserted after section 104(1) of that Act—

“(1A) Any decision of an adjudication officer may in prescribed circumstances be reviewed, upon the ground that it was erroneous in point of law, by an adjudication officer or, on a reference from an adjudication officer, by a social security appeal tribunal.”.

4 In section 112(3) of that Act (under which no appeal lies from a medical appeal tribunal to a Social Security Commissioner without the leave of the tribunal or of a Commissioner) for the words " medical appeal tribunal " there shall be substituted

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the words " person who was the chairman of the medical appeal tribunal when the decision was given or, in a case prescribed by regulations, the leave of some other chairman of a medical appeal tribunal ".

5 In section 115(2) Of that Act (tribunals) for the word "local" there shall be substituted the words " social security appeal ".

6 In section 117(1) of that Act (finality of decisions) for the words " the decision of any claim or question in accordance with those provisions " there shall be substituted the words " and to section 14 of the Social Security Act 1980 (appeal from Social Security Commissioners etc. on a point of law) the decision of any claim or question in accordance with this Act ".

7 The following paragraph shall be substituted for paragraph 1 of Schedule 10 to that Act—

“1 (1) The panels referred to in section 97(2A) of this Act shall be constituted by the President for the whole of Great Britain, and shall act for such areas as the President thinks fit, and be composed of such persons as the President thinks fit to appoint.

(2) There shall be two panels for each area.

(3) One panel shall be composed of persons who appear to the President to represent employed earners.

(4) The other shall be composed—

(a) of persons who appear to him to represent employers and earners other than employed earners ; and

(b) of persons who appear to him to have knowledge or experience of conditions in the area and to represent persons living or working in it.

(5) Before appointing members to a panel, the President may take into consideration any recommendations—

(a) from such local committees representing employers or employed earners or both; or

(b) from such organisations concerned with the interests of employers or employed earners ; or

(c) from such other organisations or from such persons.

as he considers appropriate.

(6) The members of the panels shall hold office for such period as the President may direct, but the President may at any time terminate the appointment of any member of a panel.

(7) Subject to sub-paragraph (8) below, each member of a panel shall, so far as practicable, be summoned in turn to serve upon a social security appeal tribunal.

(8) If practicable, at least one of the members of the tribunal hearing a case shall be of the same sex as the claimant.”.

8 The following shall be inserted after the said paragraph 1—

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“The President of social security appeal tribunals and medical appeal tribunals and regional chairmen and other full-time chairmen

- 1A (1) The Lord Chancellor may, after consultation with the Lord Advocate, appoint—
- (a) a President of social security appeal tribunals and medical appeal tribunals ; and
 - (b) regional and other full-time chairmen of such tribunals.
- (2) A person is qualified to be appointed President if he is a barrister, advocate or solicitor of not less than 10 years' standing.
- (3) A person is qualified to be appointed a full-time chairman if he is a barrister, advocate or solicitor of not less than 7 years' standing.
- (4) Subject to sub-paragraphs (5) to (9) below, a person appointed to an office under this paragraph shall hold and vacate that office in accordance with the terms of his appointment.
- (5) Subject to sub-paragraphs (6) and (7) below, a person appointed to such an office shall vacate his office at the end of the completed year of service in which he attains the age of 72.
- (6) Where the Lord Chancellor considers it desirable in the public interest to retain such a person in office after the time at which he would be required to sub-paragraph (5) above to vacate it, the Lord Chancellor may from time to time authorise the continuance of that person in office until any date not later than that on which that person attains the age of 75.
- (7) A person appointed to an office under this paragraph may be removed from office by the Lord Chancellor on the ground of misbehaviour or incapacity.
- (8) No person appointed to an office under this paragraph shall either directly or indirectly practise as a barrister, advocate or solicitor or as an agent for a solicitor.
- (9) Where the Lord Chancellor proposes to exercise a power conferred on him by sub-paragraph (6) or (7) above, it shall be his duty to consult the Lord Advocate with respect to the proposal.
- (10) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of persons appointed to offices under this paragraph as, with the consent of the Treasury, he may determine.
- (11) The President may appoint such officers and staff as he thinks fit—
- (a) for himself;
 - (b) for other persons appointed to offices under this paragraph ; and
 - (c) for social security appeal tribunals,
- with the consent of the Secretary of State and the Treasury as to numbers and as to remuneration and other terms and conditions of service.

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Clerks of tribunals

- 1B The President shall assign a clerk to serve the social security appeal tribunal for each area.
- 1C The duty of summoning members of a panel to serve on a tribunal shall be performed by the clerk to the tribunal.

Administrative duties of President

- 1D It shall be the duty of the President—
- (a) to arrange—
 - (i) such meetings of chairmen and members of social security appeal tribunals ; and
 - (ii) such training for such chairmen and members, as he considers appropriate ; and
 - (b) to secure that such works of reference relating to social security law as he considers appropriate are available for the use of chairmen and members of social security appeal tribunals.”.
- 9 The following paragraph shall be substituted for paragraph 2 of Schedule 12 to that Act—
- “2 (1) A medical appeal tribunal shall consist of a chairman and two other persons.
- (2) The members other than the chairman shall be medical practitioners appointed by the Secretary of State after consultation with such academic medical bodies as appear to him to be appropriate.
- (3) The President shall nominate the chairman.
- (4) The President may nominate as chairman either himself or a person drawn—
- (a) from the panel appointed by the Lord Chancellor or, as the case may be, the Lord President of the Court of Session under section 7 of the Tribunals and Inquiries Act 1971;
 - (b) from the persons appointed to act as chairmen under paragraph 1A of Schedule 10 to this Act.
- (5) No person shall be appointed to the panel mentioned in subparagraph (4) above unless he is a barrister, advocate or solicitor of not less than 7 years' standing.”.
- 10 The following paragraph shall be inserted after paragraph 5 of that Schedule—
- “5A The President may appoint such officers and staff for medical appeal tribunals as he thinks fit, with the consent of the Secretary of State and the Treasury as to numbers and as to remuneration and other terms and conditions of service.”.
- 11 The following paragraph shall be added at the end of that Schedule—
- “9 It shall be the duty of the President—
- (a) to arrange—

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- (i) such meetings of chairmen and members of medical appeal tribunals, and
 - (ii) such training for such chairmen and members, as he considers appropriate; and
 - (b) to secure that such works of reference relating to social security law as he considers appropriate are available for the use of chairmen and members of medical appeal tribunals.”.
- 12 In paragraph 9(a) of Schedule 13 to that Act (procedure) for the word " local " there shall be substituted the words " social security appeal ".
- 13 In Schedule 20 to that Act the following definition shall be inserted at the appropriate point—

“" President."

The President of social security appeal tribunals and medical appeal tribunals.”.

PART III

AMENDMENTS OF SUPPLEMENTARY BENEFITS ACT 1976

- 14 The following subsections shall be substituted for section 2(1) and (1A) of the Supplementary Benefits Act 1976—
- “(1) The question whether any person is entitled to supplementary benefit and the amount of any such benefit and any other question relating to supplementary benefit which arises under this Act or section 6 of the Social Security (No. 2) Act 1980 shall be determined by an adjudication officer appointed under section 97 of the Social Security Act 1975, a social security appeal tribunal constituted under that Act or a Social Security Commissioner in accordance with regulations made for the purposes of this section ; and any such regulations may in particular—
- (a) contain provisions corresponding to, or apply with or without modifications, any of the provisions for the time being applying to the determination of questions as to the right to any benefit under the Social Security Act 1975 ;
 - (b) make provision for purposes corresponding to those for which provision may be made by regulations under section 115 of that Act.
- (1A) Regulations may provide for prescribed questions to be determined otherwise than by adjudication officers, social security appeal tribunals or Social Security Commissioners and, without prejudice to the generality of this subsection, for such decisions, and any other prescribed decisions, to be effective or conclusive for prescribed purposes of this Act.”.
- 15 The following subsection shall be substituted for section 10(2) and (3) of that Act—
- “(2) A direction under subsection (1) above shall not come into force until a prescribed date.”.

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PART IV

AMENDMENTS OF FAMILY INCOME SUPPLEMENTS ACT 1970

16 The following subsection shall be substituted for section 6(1) of the Family Income Supplements Act 1970—

“(1) The question whether any person is entitled to a family income supplement and the amount of any such supplement and any other question relating to family income supplement shall be determined by an adjudication officer appointed under section 97 of the Social Security Act 1975, a social security appeal tribunal constituted under that Act or a Social Security Commissioner in accordance with regulations made for the purposes of this section ; and any such regulations may in particular—

- (a) contain provisions corresponding to, or apply with or without modifications, any of the provisions for the time being applying to the determination of questions as to the right to any benefit under the Social Security Act 1975;
- (b) make provision for purposes corresponding to those for which provision may be made by regulations under section 115 of that Act.

(1A) Regulations may specify questions that are to be determined otherwise than by adjudication officers, social security appeal tribunals or Social Security Commissioners and, without prejudice to the generality of this subsection, may provide for such decisions, and any other decisions specified in the regulations, to be effective or conclusive for purposes of this Act so specified.”.

17 In section 8(3) of the said Act of 1970, for the words " satisfy a supplement officer or the Appeal Tribunal" there shall be substituted the word " establish ".

PART V

MISCELLANEOUS AMENDMENTS

Social Security Act 1980 (c.30)

18 In subsection (1)(b) of section 15 of the Social Security Act 1980 (appeal to Social Security Commissioner) for the words "if he refuses leave," there shall be substituted the words " subject to and in accordance with regulations "

Social Security and Housing Benefits Act 1982 (c. 24)

19 In paragraph 8 of Schedule 2 to the Social Security and Housing Benefits Act 1982—

- (a) in sub-paragraph (1)(b) for the words " a benefit officer appointed under section 27 of the Supplementary Benefits Act 1976 determines " there shall be substituted the words " it is determined "; and
- (b) sub-paragraph (4) shall cease to have effect.

20 In paragraph 12 of Schedule 3 to that Act—

- (a) for the words " if, in the opinion of" there shall be substituted the word " unless "; and

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- (b) for the words from " disclosure " to the end of the paragraph there shall be substituted the words " otherwise directs ".

PART VI

MEDICAL BOARDS

Amendments of Social Security Act 1975

- 21 (1) The following subsection shall be substituted for section 108(2) of the Social Security Act 1975—
- “(2) Subject to and in accordance with regulations, the disablement questions shall be referred to and determined by an adjudicating medical practitioner or by two or more adjudicating medical practitioners or by a medical appeal tribunal.”.
- (2) In subsection (3) of that section, for the words "medical boards " there shall be substituted the words " adjudicating medical practitioners ".
- (3) The following subsections shall be substituted for subsection (4) of that section—
- “(4) Where the case of a claimant for disablement benefit has been referred by the insurance officer to one or more adjudicating medical practitioners for determination of the disablement questions and, on that or any other subsequent reference, the extent of the disablement is provisionally assessed, the case shall again be referred under this section, to one or more adjudicating medical practitioners as regulations may provide for the purposes of such subsequent references, not later than the end of the period taken into account by the provisional assessment.
- (5) In the following provisions of this Act " adjudicating medical practitioner " means, in relation to any case, one such practitioner, unless regulations applicable to cases of that description provide for references to more than one.”.
- 22 In section 109 of that Act—
- (a) in subsection (1), for the words " a medical board " there shall be substituted the words " an adjudicating medical practitioner ";
- (b) in subsection (2)—
- (i) for the words " medical board " there shall be substituted the words " adjudicating medical practitioner "; and
- (ii) the proviso shall cease to have effect; and
- (c) in subsection (3), for the words " medical board" there shall be substituted the words " adjudicating medical practitioner ".
- 23 In section 110 of that Act—
- (a) in subsection (1), for the words " a medical board " there shall be substituted the words " an adjudicating medical practitioner ";
- (b) in subsection (2), for the words " a medical board if the board are " there shall be substituted the words " an adjudicating medical practitioner if he is ";
- (c) in subsection (6)—

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- (i) for the words " a medical board " there shall be substituted the words " an adjudicating medical practitioner ";
 - (ii) for the word " they " there shall be substituted the word " he " ; and
 - (iii) for the word " them " there shall be substituted the word " him " ;
 - and
 - (d) in subsection (7), for the words " a medical board " there shall be substituted the words " an adjudicating medical practitioner " .
- 24 In section 113—
- (a) the following paragraph shall be substituted for subsection (2)(a)—
 - “(a) for the appointment of specially qualified adjudicating medical practitioners and the appointment of medical officers for the purposes of the regulations (which shall be taken to include, in the case of specially qualified adjudicating medical practitioners, the purposes for which adjudicating medical practitioners are appointed and medical appeal tribunals are established) ;”;
 - (b) in subsection (2)(b), for the words " any such board or" there shall be substituted the words " specially qualified adjudicating medical practitioners or any such " ;
 - (c) in subsection (3)—
 - (i) for the words from "member", in the first place where it occurs, to " established " there shall be substituted the words " specially qualified adjudicating medical practitioner appointed " ;
 - (ii) for the word " member " , in the second place where it occurs, there shall be substituted the words " practitioner " ; and
 - (iii) for the words " any such board or with the work " there shall be substituted the words " the work under this section of any such medical practitioner or " .
- 25 In section 115(2) of that Act, for the words "a medical board or a single medical practitioner acting in place of a medical board" there shall be substituted the words " or an adjudicating medical practitioner " .
- 26 In section 117 of that Act the words "an adjudicating medical practitioner or a" shall be substituted for the words " a medical board or " in subsections (3) and (4).
- 27 In Schedule 12 to that Act—
- (a) the following paragraph shall be substituted for paragraph 1—
 - “1 Adjudicating medical practitioners shall be appointed by the Secretary of State.”; and
 - (b) the following paragraphs shall be substituted for paragraphs 3 to 6—
 - “3 Subject to the foregoing paragraphs, the appointment of adjudicating medical practitioners and the constitution of medical appeal tribunals shall be determined by regulations.
 - 4 The Secretary of State may pay to adjudicating medical practitioners and chairmen and other members of medical appeal tribunals such remuneration and such travelling and other allowances, as he may determine.
 - 5 The Secretary of State may pay to persons required to attend on the consideration of a case before an adjudicating medical

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practitioner or a medical appeal tribunal such travelling and other allowances as he may determine.

6 The Secretary of State may pay such other expenses as he may determine, being expenses incurred in connection with the work of adjudicating medical practitioners and medical appeal tribunals.”.

28 In Schedule 20 to that Act the following definition shall be inserted at the appropriate point—

““ Adjudicating medical practitioner.”	Construe in accordance with section 108(5).”.
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Supplementary

29 Any enactment passed before the coming into force of this paragraph and not amended by the foregoing provisions of this Part of this Schedule and any instrument made before the coming into force of this paragraph shall have effect, so far as may be necessary in consequence of the changes made by this Part of this Schedule, as if—

- (a) for any reference to a medical board constituted under the Social Security Act 1975 there were substituted a reference to an adjudicating medical practitioner ; and
- (b) for any reference to a special medical board established by virtue of regulations under section 113 of that Act there were substituted a reference to a specially qualified adjudicating medical practitioner.

30 Documents and forms printed or duplicated for use in connection with medical boards and special medical boards may be used notwithstanding that they contain references to such boards and those references shall be construed respectively as references to adjudicating medical practitioners and specially qualified adjudicating medical practitioners.

PART VII

SUPPLEMENTARY

- 31 (1) The Secretary of State may by regulations made by statutory instrument make such transitional provision or saving as he considers necessary or expedient in connection with section 25 above and this Schedule.
- (2) Regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament
- (3) Neither section 141(2) of the Social Security Act 1975 nor section 10(1) of the Social Security Act 1980 (duty of Secretary of State to refer proposals for regulations to Industrial Injuries Advisory Council and Social Security Advisory Committee) shall apply to regulations made under any enactment and contained in a statutory instrument which states that it only contains regulations made in consequence of section 25 above and this Schedule and before the expiry of the period of six months beginning with the commencement of that section and this Schedule.

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- (4) Nothing in the Industrial Injuries and Diseases (Old Cases) Act 1975 shall require a draft of a scheme under that Act to be laid before Parliament or approved by resolution of either House before the making of the scheme if the statutory instrument containing the scheme states that the scheme is made in consequence of section 25 above and this Schedule; but the statutory instrument containing the scheme shall instead be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Subsections (2) and (3) of section 166 of the Social Security Act 1975 (which among other things make provision about the extent of powers to make orders and regulations) shall apply to the power to make regulations conferred by this paragraph as they apply to any power to make regulations conferred by that Act.
- (6) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of section 25 above and this Schedule—
 - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
 - (b) shall be subject to annulment in pursuance of a resolution of either House.