

Status: Point in time view as at 14/10/1991.

Changes to legislation: Health And Social Services And Social Security Adjudications Act 1983, Part II is up to date with all changes known to be in force on or before 02 October 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)

SCHEDULES

SCHEDULE 8

SOCIAL SECURITY ADJUDICATIONS

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.
- (1E) 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 subparagraph (3) of paragraph 1 of Schedule 10 to this Act.
- (2B) The other shall be drawn from the panel mentioned in subparagraph (4) of that paragraph.
- (2C) The President shall nominate the chairman.
- (2D) The President may nominate as chairman either himself or a person drawn—

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- (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 1A 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 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 ^{M1}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”.

Marginal Citations

M1 1980 c. 30.

- 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.

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- (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 subparagraph (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—

The President of social security appeal tribunals and medical appeal tribunals and regional chairmen and other fulltime 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 fulltime 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 fulltime chairman if he is a barrister, advocate or solicitor of not less than 7 years’ standing.
 - (4) Subject to subparagraphs (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.

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- (5) Subject to subparagraphs (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 subparagraph (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 subparagraph (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.

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.”

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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—
 - (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”.

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- 13 In Schedule 20 to that Act the following definition shall be inserted at the appropriate point—
- “The President of social security appeal tribunals and medical appeal tribunals.”.

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