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SCHEDULES

SCHEDULE 2 **N.I.**

Sections 39, 41 and 48 to 50.]

[^{F1} COMMISSIONERS – SUPPLEMENTARY PROVISIONS

Textual Amendments

- F1** Sch. 2 heading substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Tenure of offices

- 1 [^{F2}(1) Subject to the following provisions of this paragraph, the President and the full-time chairmen of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals shall hold and vacate office in accordance with the terms of their appointment.]
- (2) Commissioners, [^{F3} the President and the full-time chairmen] shall vacate their offices [^{F4} on the day on which they attain the age of 70, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).]
- ^{F5}(3)
- (4) A Commissioner [^{F3}, the President and a full-time chairman] may be removed from office by the Lord Chancellor on the ground of misbehaviour or incapacity.
- [^{F6}(5) Neither the President nor any full-time chairman shall either directly or indirectly practise as a barrister or solicitor or as an agent for a solicitor.]
- (6) Nothing in sub-paragraph (2) ^{F7}. . . above or in paragraphs 6 to 7A of Schedule 10 to the 1975 Act (which relate to pensions for Commissioners) shall apply to a person by virtue of his appointment in pursuance of section 50(2) above.

Textual Amendments

- F2** Sch. 2 para. 1(1) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(a)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

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- Sch. 2 para. 1(1) repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- F3** Words in Sch. 2 para. 1(2)(4) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch. 1** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- Words in Sch. 2 para. 1(2)(4). repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- F4** Words in Sch. 2 para. 1(2) substituted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 22(2)** (with s. 27, Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**
- F5** Sch. 2 para. 1(3) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 22(3), **Sch. 9** (with s. 27, Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**
- F6** Sch. 2 para. 1(5) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(d)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch. 1** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- Sch. 2 para. 1(5) repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- F7** Words in Sch. 2 para. 1(6) repealed (31.3.1995) by 1993 c. 8, s. 26, Sch. 6 para. 22(4), **Sch. 9** (with s. 27, Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**

[^{F8}2 Part-time chairmen of such tribunals shall hold and vacate office in accordance with the terms of their appointment.]

Textual Amendments

- F8** Sch. 2 para. 2 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch. 1** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- Sch. 2 para. 2 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Remuneration etc. for President and chairmen

[^{F9}3 [^{F10}(1)]The Department may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of the President and full-time chairmen as, with the consent of the Department of Finance and Personnel, it may determine.

[Sub-paragraph (1) above, so far as relating to pensions, allowances and gratuities, ^{F11}(2) shall not have effect in relation to persons to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.]]

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Textual Amendments

- F9** Sch. 2 para. 3 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch. 1** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472) Sch. 2 para. 3 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- F10** Sch. 2 para. 3 renumbered as sub-para. (1) (31.3.1995) by 1993 c. 8, s. 31(3), **Sch. 8 para. 24**; S.I. 1995/631, **art. 2**
- F11** Sch. 2 para. 3(2) added (31.3.1995) by 1993 c. 8, s. 31(3), **Sch. 8 para. 24**; S.I. 1995/631, **art. 2**

Officers and staff

- [^{F124} The President may appoint such officers and staff as he thinks fit—
- (a) for himself;
 - (b) for the full-time chairmen;
 - (c) for social security appeal tribunals;
 - (d) for disability appeal tribunals; and
 - (e) for medical appeal tribunals,
- with the consent of the Department and the Department of Finance and Personnel as to numbers and as to remuneration and other terms and conditions of service.]

Textual Amendments

- F12** Sch. 2 para. 4 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch. 1** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472) Sch. 2 para. 4 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Clerks to social security appeal tribunals and disability appeal tribunals

- [^{F135} (1) The President shall assign a clerk to service the social security appeal tribunal for each area and the disability appeal tribunal for each area.
- (2) The duty of summoning members of a panel to serve on such a tribunal shall be performed by the clerk to the tribunal.]

Textual Amendments

- F13** Sch. 2 para. 5 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts.

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4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472) Sch. 2 para. 5 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Miscellaneous administrative duties of President

- [^{F146} It shall be the duty of the President—
- (a) to arrange—
 - (i) such meetings of chairmen and members of social security appeal tribunals, chairmen and members of disability appeal tribunals and chairmen and members of medical appeal tribunals;
 - (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, disability appeal tribunals and medical appeal tribunals.]

Textual Amendments

- F14** Sch. 2 para. 6 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(e)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472) Sch. 2 para. 6 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

Remuneration etc.

- 7 The Lord Chancellor shall pay to a Commissioner such salary or other remuneration, and such expenses incurred in connection with the work of a Commissioner or any tribunal presided over by a Commissioner, as may be determined by the Treasury.
- [^{F158} (1) The Department may pay—
- (a) to any person specified in sub-paragraph (2) below, such remuneration and such travelling and other allowances;
 - (b) to any person specified in sub-paragraph (3) below, such travelling and other allowances;
 - (c) subject to sub-paragraph (4) below, such other expenses in connection with the work of any person, tribunal or inquiry appointed or constituted under any provision of this Act,
- as the Department with the consent of the Department of Finance and Personnel may determine.
- (2) The persons mentioned in sub-paragraph (1)(a) above are—

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- (a) any person (other than a Commissioner) appointed under this Act to determine questions or as a member of, or assessor to, a social security appeal tribunal, a disability appeal tribunal or a medical appeal tribunal; and
 - [^{F16}(aa) a person appointed as medical assessor to a social security appeal tribunal under regulations under section 59A(4) above; and]
 - (b) a medical officer appointed under regulations under section 60 above.
- (3) The persons mentioned in sub-paragraph (1)(b) are—
 - (a) any person required to attend at any proceedings or inquiry under this Act; and
 - (b) any person required under this Act (whether for the purposes of this Act or otherwise) to attend for or to submit themselves to medical or other examination or treatment.
- (4) Expenses are not payable under sub-paragraph (1)(c) above in connection with the work—
 - (a) of a tribunal presided over by a Commissioner; or
 - (b) of a social fund officer, a social fund inspector or the social fund Commissioner.
- (5) In this paragraph references to travelling and other allowances include references to compensation for loss of remunerative time but such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this paragraph.]

Textual Amendments

- F15** Sch. 2 para. 8 ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(f)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch. 1** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
Sch. 2 para. 8 repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)
- F16** Sch. 2 para. 8(2)(aa) inserted (13.4.1995) by S.I. 1994/1898 (N.I. 12), art. 13(1), **Sch. 1**, Pt. II para. 52; S.R. 1994/450, art. 2, **Sch. Pt. IV**

Certificates of decisions

- 9 A document bearing a certificate which—
- (a) is signed by a person authorised in that behalf by the Department; and
 - (b) states that the document, apart from the certificate, is a record of a decision—
 - (i) of a Commissioner;
 - [^{F17}(ii) of a social security appeal tribunal;
 - (iii) of a disability appeal tribunal; or
 - (iv) of an adjudication officer,]
- shall be conclusive evidence of the decision; and a certificate purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

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Textual Amendments

- F17** Sch. 2 para. 9(b)(ii)-(iv) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by virtue of S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 88(2)(g)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1** (with arts. 4, 14); S.R. 1999/371, art. 2(b), **Sch. 1** (with arts. 4, 18); S.R. 1999/407, art. 2(b), **Sch.** (with art. 4); S.R. 1999/428, art. 2(b), **Sch. 1** (with arts. 4, 16) and S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472) Sch. 2 para. 9(b)(ii)-(iv) repealed (29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 1999/472, art. 2(1), **Sch. 1** (with arts. 20-22) (subject to art. 2(2) of the said S.R. 1999/472)

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