



# Social Security Act 1998

## CHAPTER 14

### SOCIAL SECURITY ACT 1998

#### PART I

#### DECISIONS AND APPEALS

#### CHAPTER I

#### GENERAL

#### *Decisions*

- 1 Transfer of functions to Secretary of State
- 2 Use of computers
- 3 Use of information

#### *Appeals*

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- 5 President of appeal tribunals
- 6 Panel for appointment to appeal tribunals
- 7 Constitution of appeal tribunals

#### CHAPTER II

#### SOCIAL SECURITY DECISIONS AND APPEALS

#### *Decisions*

- 8 Decisions by Secretary of State
- 9 Revision of decisions
- 10 Decisions superseding earlier decisions

*Status: Point in time view as at 02/07/2002.*

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- 11 Regulations with respect to decisions
  - Reference of issues by Secretary of State to Inland Revenue*
- 10A Reference of issues by Secretary of State to Inland Revenue.
  - Appeals*
    - 12 Appeal to appeal tribunal
    - 13 Redetermination etc. of appeals by tribunal
    - 14 Appeal from tribunal to Commissioner
    - 15 Appeal from Commissioner on point of law
  - Procedure etc.*
    - 16 Procedure
    - 17 Finality of decisions
    - 18 Matters arising as respects decisions
  - Medical examinations*
    - 19 Medical examination required by Secretary of State
    - 20 Medical examination required by appeal tribunal
  - Suspension and termination of benefit*
    - 21 Suspension in prescribed circumstances
    - 22 Suspension for failure to furnish information etc
    - 23 Termination in cases of failure to furnish information
    - 24 Suspension and termination for failure to submit to medical examination
  - Appeals dependent on issues falling to be decided by Inland Revenue*
- 24A Appeals dependent on issues falling to be decided by Inland Revenue.
  - Decisions and appeals dependent on other cases*
    - 25 Decisions involving issues that arise on appeal in other cases
    - 26 Appeals involving issues that arise on appeal in other cases
  - Cases of error*
    - 27 Restrictions on entitlement to benefit in certain cases of error
    - 28 Correction of errors and setting aside of decisions
  - Industrial accidents*
    - 29 Decision that accident is an industrial accident
    - 30 Effect of decision
  - Other special cases*
    - 31 Incapacity for work
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*Housing benefit and council tax benefit*

- 34 Determination of claims and reviews
- 35 Suspension of benefit in prescribed circumstances

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- 41 Child support: decisions superseding earlier decisions
- 42 Child support: appeals to appeal tribunals
- 43 Child support: decisions and appeals dependent on other cases
- 44 Child support: cases of error

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- 45 Vaccine damage payments: decisions reversing earlier decisions
- 46 Vaccine damage payments: appeals to appeal tribunals
- 47 Vaccine damage payments: correction of errors etc

**PART II**

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*Amendments of Contributions and Benefits Act*

- 48 Apportionment of payments etc. made for more than one earner
- 49 Payments on account of directors' contributions
- 50 Payments treated as remuneration and earnings
- 51 Class 1 contributions
- 52 Class 1A contributions
- 53 Class 1B contributions
- 54 Contributions paid in error
- 55 Recovery of primary Class 1 contributions by secondary contributors
- 56 Contributions returns
- 57 Collection of contributions by Secretary of State
- 58 Interest and penalties chargeable concurrently with Inland Revenue
- 59 Levy of Class 4 contributions with income tax

*Amendments of Administration Act*

- 60 Breach of regulations
- 61 Offences and penalties relating to contributions
- 62 Evidence of non-payment

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- 63 Recovery of contributions etc
- 64 Liability of directors etc. for company's contributions
- 65 Class 1B contributions: supplemental
- 66 Payments of certain contributions out of the Consolidated Fund

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- 68 Rates of short-term incapacity benefit
- 69 Validation of certain housing benefit determinations
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### **SCHEDULES**

#### **SCHEDULE 1 — Appeal tribunals: supplementary provisions**

##### *Tenure of office*

- 1 (1) Subject to the following provisions of this paragraph, the...

##### *Remuneration etc.*

- 2 The Secretary of State may pay, or make such payments...
- 3 The Secretary of State may pay, or make such payments...
- 4 (1) The Secretary of State may pay—
- 5 (1) Subject to sub-paragraph (2) below, the Secretary of State...

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### *Officers and staff*

- 6 The Secretary of State may appoint such officers and staff...

### *Functions of President*

- 7 The President shall ensure that appropriate steps are taken by...  
8 (1) The President shall, after the requisite consultation, arrange such...  
9 The President shall supply the Secretary of State with such...  
10 Each year the President shall make to the Secretary of...

### *Clerks to appeal tribunals*

- 11 The Secretary of State may by regulations provide—

### *Delegation of certain functions of appeal tribunals*

- 12 (1) The Secretary of State may by regulations provide—

### *Certificates*

- 13 A document bearing a certificate which— (a) is signed by...

### *SCHEDULE 2 — Decisions against which no appeal lies*

#### *Jobseeker's allowance for persons under 18*

- 1 In relation to a person who has reached the age...

#### *Christmas bonus*

- 2 A decision whether a person is entitled to payment under...

#### *Priority between persons entitled to invalid care allowance*

- 3 A decision as to the exercise of the discretion under...

#### *Priority between persons entitled to child benefit*

- 4 A decision as to the exercise of the discretion under...

#### *Persons treated as if present in Great Britain*

- 5 A decision whether to certify, in accordance with regulations made...

#### *Alteration of rates of benefit*

- 6 A decision as to the amount of benefit to which...

#### *Increases in income support due to attainment of particular ages*

- 7 A decision as to the amount of benefit to which...

#### *Reduction in accordance with reduced benefit direction*

- 8 A decision to reduce the amount of a person's benefit...

#### *Power to prescribe other decisions*

- 9 Such other decisions as may be prescribed.

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SCHEDULE 3 — Decisions against which an appeal lies  
Part I — BENEFIT DECISIONS

*Entitlement to benefit without a claim*

- 1 In such cases or circumstances as may be prescribed, a...
- 2 If so, a decision as to the amount to which...

*Payability of benefit*

- 3 A decision whether a relevant benefit (or a component of...

*Payments to third parties*

- 4 Except in such cases or circumstances as may be prescribed,...

*Recovery of benefits*

- 5 A decision whether payment is recoverable under section 71 or...
- 6 If so, a decision as to the amount of payment...

*Industrial injuries benefit*

- 7 A decision whether an accident was an industrial accident for...

*Jobseekers' agreements*

- 8 A decision in relation to a jobseeker's agreement as proposed...

*State pension credit*

- 8A A decision whether to specify a period as an assessed...
- 8B If so, a decision as to the period to be...
- 8C A decision whether an assessed income period comes to an...
- 8D If so, a decision as to when the assessed income...

*Power to prescribe other decisions*

- 9 Such other decisions relating to a relevant benefit as may...

Part II — CONTRIBUTIONS DECISIONS

*Categorisation of earners*

- 10 A decision whether a person is an earner.
- 11 If so, a decision as to the category of earners...

*Compulsory contributions*

- 12 A decision whether a person is liable to pay contributions...
- 13 If so, a decision as to the amount that the...

*Voluntary contributions*

- 14 A decision whether a person is entitled to pay contributions...
- 15 If so, a decision as to the amount that the...

*Responsibilities at home*

- 16 A decision whether a person was (within the meaning of...

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*Earnings and contributions credits*

- 17 A decision whether a person is entitled to be credited...

*Statutory sick pay*

- 18 A decision whether an employer is entitled to make any...  
19 If so, a decision as to the amount that he...

*Statutory maternity pay*

- 20 A decision whether an employer is entitled to make any...  
21 If so, a decision as to the amount that he...

*Liability of directors etc. for company's contributions*

- 22 Subject to the provisions of section 121D of the Administration...

*Preserved rights to benefit etc.*

- 23 A decision falling to be made by virtue of regulations...

*Employment of long-term unemployed*

- 24 A decision falling to be made under section 27 of...

*Interest and penalties*

- 25 A decision whether a person is liable to pay interest...  
26 A decision whether a person is liable to a penalty...  
27 A decision whether to charge any interest or penalty under...  
28 A decision as to the amount of interest or penalty...

*Power to prescribe other decisions*

- 29 Such other decisions relating to contributions as may be prescribed....

SCHEDULE 4 — Social Security Commissioners

*Appointment*

- 1 (1) Her Majesty may from time to time appoint, from...

*Remuneration etc.*

- 2 The Lord Chancellor shall pay to a Commissioner such salary...  
3 (1) The Lord Chancellor or, in Scotland, the Secretary of...

*Tenure of office*

- 4 (1) Commissioners shall vacate their offices on the day on...  
5 (1) A Commissioner may be removed from office by the...

*Delegation of functions*

- 6 The Lord Chancellor may by regulations provide—

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### *Certificates*

- 7 A document bearing a certificate which— (a) is signed by...

### *Supplemental*

- 8 Where the Lord Chancellor proposes to exercise a power conferred...

### SCHEDULE 5 — Regulations as to procedure: provision which may be made

- 1 Provision prescribing the procedure to be followed in connection with  
—...
- 2 Provision as to the striking out or reinstatement of proceedings....
- 3 Provision as to the form which is to be used...
- 4 Provision as to the time within which, or the manner...
- 5 Provision for summoning persons to attend and give evidence or...
- 6 Provision with respect to the procedure to be followed on...
- 7 Provision for authorising an appeal tribunal consisting of two or...
- 8 Provision for empowering an appeal tribunal to give directions for...
- 9 Provision for the non-disclosure to a person of the particulars...

### SCHEDULE 6 — Transitory provisions

#### *Constitution of appeal tribunals*

- 1 In relation to any time before the commencement of section...

#### *Claims no longer subsisting after decisions made*

- 2 In relation to any time before the commencement of section...

#### *Appeals to tribunals*

- 3 (1) In relation to appeals brought after the passing of...

#### *Appeals to Commissioners*

- 4 (1) In relation to any time before the commencement of...

#### *Suspension of benefit in prescribed circumstances*

- 5 (1) In relation to any time before the commencement of...

#### *Restrictions on entitlement in certain cases of error*

- 6 In relation to applications under section 26(1) or 30 of...

#### *Reviews of social fund determinations*

- 7 In relation to any time before the commencement of section...

#### *Overpayments out of social fund*

- 8 In relation to any time before the commencement of sections...

#### *Child support: appeals to tribunals*

- 9 In relation to appeals brought after the passing of this...



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## SCHEDULE 7 — Minor and consequential amendments

### *Army Act 1955 (c. 18)*

- 1 In section 150A(3) of the Army Act 1955 (enforcement of...

### *Air Force Act 1955 (c. 19)*

- 2 In section 150A(3) of the Air Force Act 1955 (enforcement...

### *Parliamentary Commissioner Act 1967 (c. 13)*

- 3 (1) In subsection (8) of section 5 of the Parliamentary...

### *House of Commons Disqualification Act 1975 (c. 24)*

- 4 (1) In Part III of Schedule 1 to the House...

### *Vaccine Damage Payments Act 1979 (c. 17)*

- 5 In subsection (4) of section 3 of the Vaccine Damage...  
6 In section 5 of that Act (reconsideration of determinations and...  
7 (1) In subsection (3) of section 7 of that Act...  
8 After section 7A of that Act there shall be inserted...  
9 In subsection (3) of section 8 of that Act (regulations)—...  
10 In section 12 of that Act (financial provisions), subsection (1)...

### *Forfeiture Act 1982 (c. 34)*

- 11 (1) In subsection (2)(b) of section 4 of the Forfeiture...

### *Debtors (Scotland) Act 1987 (c. 18)*

- 12 In subsection (5)(f) of section 1 (competence of time to...  
13 In section 106 of that Act (interpretation), in the definition...  
14 In paragraph 35 of Schedule 5 to that Act (interpretation),...

### *Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47)*

- 15 In paragraph 7A of Schedule 2 to the Abolition of...

### *Income and Corporation Taxes Act 1988 (c. 1)*

- 16 In subsection (3) of section 172 of the Income and...

### *Local Government Finance Act 1988 (c. 41)*

- 17 In sub-paragraph (2)(a) of paragraph 6 of Schedule 4 to...

### *Child Support Act 1991 (c. 48)*

- 18 In section 2 of the Child Support Act (welfare of...  
19 In subsection (4) of section 4 of that Act (child...  
20 In subsection (9) of section 6 of that Act (applications...  
21 In subsection (5) of section 7 of that Act (right...  
22 In subsections (1) and (2) of section 8 of that...  
23 (1) In subsection (4) of section 10 of that Act...  
24 (1) In subsection (1) of section 11 of that Act...

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- 25 (1) For subsections (1) and (1A) of section 12 of...
- 26 Section 13 of that Act (child support officers) shall cease...
- 27 In section 14 of that Act (information required by Secretary...
- 28 In subsection (1) of section 15 of that Act (powers...
- 29 In subsection (4)(a) of section 22 of that Act (Child...
- 30 (1) In subsection (1) of section 24 of that Act...
- 31 (1) In subsection (1) of section 26 of that Act...
- 32 In subsection (1) of section 27 of that Act (reference...
- 33 In subsection (1) of section 28 of that Act (power...
- 34 For subsection (4) of section 28A of that Act (application...
- 35 (1) In section 28B of that Act (preliminary consideration of...
- 36 In subsections (1) and (3) of section 28D of that...
- 37 In subsection (6) of section 28F of that Act (departure...
- 38 Subsection (1) of section 28G of that Act (effect and...
- 39 For section 28H of that Act there shall be substituted...
- 40 After subsection (2) of section 43 of that Act (contribution...
- 41 In subsection (1) of section 44 of that Act (jurisdiction),...
- 42 (1) In subsection (1) of section 45 of that Act...
- 43 (1) In subsection (2) of section 46 of that Act...
- 44 After that section there shall be inserted the following sections—...
- 45 In subsection (5) of section 50 of that Act (unauthorised...
- 46 In subsection (2) of section 51 of that Act (supplementary...
- 47 In section 54 of that Act (interpretation)—
- 48 (1) In paragraph 8 of Schedule 1 to that Act...
- 49 Paragraph 2 of Schedule 2 to that Act (local authority...
- 50 Schedule 3 to that Act (child support appeal tribunals) shall...
- 51 In paragraph 2A of Schedule 4 to that Act (Child...
- 52 (1) In sub-paragraph (1) of paragraph 5 of Schedule 4...
- 53 (1) In paragraph 1 of Schedule 4A to that Act...
- 54 After Schedule 4B to that Act there shall be inserted...

*Criminal Justice Act 1991 (c. 53)*

- 55 In subsection (2)(b) of section 24 of the Criminal Justice...

*Social Security Contributions and Benefits Act 1992 (c. 4)*

- 56 (1) In subsection (2) of section 1 of the Contributions...
- 57 After subsection (2) of section 6 of that Act (liability...
- 58 (1) In subsection (5) of section 10 of that Act...
- 59 After subsection (3) of section 14 of that Act (restriction...
- 60 After subsection (5) of section 21 of that Act (contribution...
- 61 In subsection (4) of section 22 of that Act (earnings...
- 62 In subsection (2) of section 54 of that Act (Category...
- 63 In subsection (5)(c) of section 95 of that Act (relevant...
- 64 In subsection (1)(b) of section 97 of that Act (accidents...
- 65 In subsection (2) of section 109 of that Act (general...
- 66 In subsection (3) of section 113 of that Act (general...
- 67 In subsection (2) of section 116 of that Act (Her...
- 68 In subsection (1) of section 117 of that Act (mariners,...
- 69 In section 119 of that Act (persons outside Great Britain),...
- 70 In subsection (1) of section 120 of that Act (employment...
- 71 In subsection (1) of section 122 of that Act (interpretation...
- 72 (1) For subsection (1) of section 139 of that Act...

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- 73 (1) In subsection (1) of section 140 of that Act...
- 74 In subsection (1) of section 163 of that Act (interpretation...
- 75 In subsection (1) of section 171 of that Act (interpretation...
- 76 In subsection (2) of section 171E of that Act (incapacity...
- 77 (1) In the heading to Schedule 1 to that Act...

*Social Security Administration Act 1992 (c. 5)*

- 78 In subsection (2) of section 3 of the Administration Act...
- 79 (1) In subsection (1) of section 5 of that Act...
- 80 In subsection (1) of section 6 of that Act (regulations...
- 81 (1) In subsection (2) of section 71 of that Act...
- 82 In subsection (1) of section 71A of that Act (recovery...
- 83 In section 116 of that Act (legal proceedings), subsection (6)...
- 84 For section 117 of that Act there shall be substituted...
- 85 Subsection (2) of section 119 of that Act (recovery of...
- 86 (1) In subsection (1) of section 120 of that Act...
- 87 In subsections (1) and (2) of section 121 of that...
- 88 In subsection (6A) of section 123 of that Act (unauthorised...
- 89 In subsection (1) of section 125 of that Act (regulations...
- 90 (1) In subsection (1) of section 143 of that Act...
- 91 In section 144 of that Act (supplementary provisions about orders...
- 92 For subsections (1) to (3) of section 145 of that...
- 93 Section 146 of that Act (power to alter number of...
- 94 In subsections (1), (2) and (3) of section 147 of...
- 95 In subsection (2) of section 159 of that Act (effect...
- 96 In subsection (3) of section 159A of that Act (effect...
- 97 In subsection (2) of section 160 of that Act (implementation...
- 98 In subsection (2) of section 160A of that Act (implementation...
- 99 (1) After subsection (2) of section 162 of that Act...
- 100 (1) In subsection (4) of section 163 of that Act...
- 101 In section 164 of that Act (destination of payments etc.),...
- 102 (1) In subsection (1) of section 166 of that Act...
- 103 (1) In subsection (3)(a) of section 168 of that Act...
- 104 In subsection (5) of section 170 of that Act (the...
- 105 In subsection (5) of section 177 of that Act (co-ordination...
- 106 (1) In subsection (1) of section 178 of that Act...
- 107 (1) In subsection (3)(a) of section 179 of that Act...
- 108 In section 180 of that Act (payment of travelling expenses...
- 109 In section 189 of that Act (regulations and orders: general),...
- 110 (1) In subsection (1)(a) of section 190 of that Act...
- 111 In section 191 of that Act (interpretation)—
- 112 In subsection (5) of section 192 of that Act (short...
- 113 In Part I of Schedule 4 to that Act (persons...
- 114 (1) In Part I of Schedule 7 to that Act...
- 115 In paragraph 1(6) of Schedule 9 to that Act (old...
- 116 (1) In sub-paragraph (1) of paragraph 3 of Schedule 10...

*Local Government Finance Act 1992 (c. 14)*

- 117 In sub-paragraph (2)(a) of paragraph 6 of Schedule 4 to...

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*Tribunals and Inquiries Act 1992 (c. 53)*

- 118 (1) In subsection (3) of section 6 of the Tribunals...
- 119 In subsection (2) of section 7 of that Act (concurrence...
- 120 In subsection (5) of section 13 of that Act (power...
- 121 (1) In paragraph 7 of Schedule 1 to that Act...
- 122 (1) Paragraph 3 of Schedule 2 to that Act (transitory...

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 123 (1) In Part II of Schedule 1 to the Judicial...
- 124 (1) In Schedule 5 to that Act (retirement provisions: the...
- 125 In paragraph 5(5) of Schedule 7 to that Act (ascertainment...

*Pension Schemes Act 1993 (c. 48)*

- 126 In subsection (2) of section 8 of the Pension Schemes...
- 127 For subsections (1) and (1A) of section 41 of that...
- 128 For subsections (1) and (2) of section 42A of that...
- 129 In subsection (6)(c) of section 158 of that Act (disclosure...
- 130 (1) In subsection (3) of section 167 of that Act...
- 131 For section 170 of that Act there shall be substituted...
- 132 (1) In subsection (1) of section 171 of that Act...

*Jobseekers Act 1995 (c. 18)*

- 133 After subsection (3) of section 2 of the Jobseekers Act...
- 134 (1) In subsection (6) of section 6 of that Act...
- 135 In subsection (7) of section 7 of that Act (actively...
- 136 (1) In subsection (6) of section 9 of that Act...
- 137 (1) In subsection (5) of section 10 of that Act...
- 138 Section 11 of that Act (jobseeker's agreement: reviews and appeals)...
- 139 (1) In subsection (3) of section 16 of that Act...
- 140 (1) In subsection (2) of section 17 of that Act...
- 141 (1) In subsection (3) of section 19 of that Act...
- 142 In subsection (2)(b)(ii) of section 20 of that Act (exemptions...
- 143 In subsections (1) and (2) of section 31 of that...
- 144 In subsection (1) of section 35 of that Act (interpretation)—...
- 145 In subsection (1) of section 36 of that Act (regulations...
- 146 In paragraph 10(2) of Schedule 1 to that Act (supplementary...

*Industrial Tribunals Act 1996 (c. 17)*

- 147 In subsection (5) of section 16 of the Industrial Tribunals...

*Employment Rights Act 1996 (c. 18)*

- 148 In subsection (5) of section 215 of the Employment Rights...

*Social Security (Recovery of Benefits) Act 1997 (c. 27)*

- 149 (1) For subsection (1) of section 10 of the Social...
- 150 (1) At the end of subsection (1) of section 11...
- 151 (1) For subsections (1) and (2) of section 12 of...
- 152 (1) In subsection (1) of section 13 of that Act...
- 153 In section 29 of that Act (general interpretation)—

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## SCHEDULE 8 — Repeals

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