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Social Security Act 1998

CHAPTER 14

SOCIAL SECURITY ACT 1998

PART I

DECISIONS AND APPEALS

CHAPTER I

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Decisions

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

Appeals

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

CHAPTER II

SOCIAL SECURITY DECISIONS AND APPEALS

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

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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 First-tier Tribunal
 - 13 Redetermination etc. of appeals by tribunal
 - 14 Appeal from First-tier Tribunal to Upper Tribunal
 - 15 Applications for permission to appeal against a decision of the Upper Tribunal
 - 15A Functions of Senior President of Tribunals
 - 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
 - 20A Travelling and other allowances
 - 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
 - 32 Industrial diseases
 - 33 Christmas bonus

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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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- 36 Appropriate officers
- 37 The social fund Commissioner and inspectors
- 38 Reviews of determinations

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- 39ZA Certificates
- 39 Interpretation etc. of Chapter II

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Child support

- 40 Child support: revision of decisions
- 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

Vaccine damage payments

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

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- 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

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- 62 Evidence of non-payment
- 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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- 67 Daily rate of maternity allowance
- 68 Rates of short-term incapacity benefit
- 69 Validation of certain housing benefit determinations
- 70 Discretionary payments out of social fund
- 71 Budgeting loans: criteria for making awards
- 72 Power to reduce child benefit for lone parents
- 73 Statutory sick pay not precluded by maternity allowance

Amendments of Administration Act

- 74 Provision of information
- 75 Overpayments out of social fund
- 76 Power to anticipate pensions up-rating order

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- 77 Pilot schemes
- 78 Expenditure for facilitating transfer of functions etc
- 79 Regulations and orders
- 80 Parliamentary control of regulations
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- 82 Financial provisions
- 83 Transitory provisions
- 84 Interpretation: general
- 85 Provision for Northern Ireland
- 86 Minor and consequential amendments and repeals
- 87 Short title, commencement and extent

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 carer's 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...

Work-focused interviews

- 5A A decision terminating or reducing the amount of a person's...

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 decision

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

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Power to prescribe other decisions

- 9 Such other decisions as may be prescribed.

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...

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Responsibilities at home

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

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...

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Delegation of functions

6 The Lord Chancellor may by regulations provide—

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...

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Child support: appeals to tribunals

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

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

21 In subsection (5) of section 7 of that Act (right...

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- 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...
- 25
- 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
- 35 (1) In section 28B of that Act (preliminary consideration of...
- 36 In subsections ... (3) of section 28D of that Act...
- 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),...

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- 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...
- 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 (concurrency...
- 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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