



# Social Security Act 1998

## 1998 CHAPTER 14

### PART I

#### DECISIONS AND APPEALS

### CHAPTER II

#### SOCIAL SECURITY DECISIONS AND APPEALS

##### *Medical examinations*

#### **19 Medical examination required by Secretary of State**

- (1) Before making a decision on a claim for a relevant benefit, or as to a person's entitlement to such a benefit<sup>F1</sup>..., the Secretary of State may refer the person—
  - (a) in respect of whom the claim is made; or
  - (b) whose entitlement is at issue,to a medical practitioner for such examination and report as appears to the Secretary of State to be necessary for the purpose of providing him with information for use in making the decision.
- (2) Subsection (3) below applies where—
  - (a) the Secretary of State has exercised the power conferred on him by subsection (1) above; and
  - (b) the medical practitioner requests the person referred to him to attend for or submit himself to medical examination.
- (3) If the person fails without good cause to comply with the request, the Secretary of State shall make the decision against him.

*Status: Point in time view as at 22/03/2001.*

*Changes to legislation: Social Security Act 1998, Cross Heading: Medical examinations is up to date with all changes known to be in force on or before 02 August 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)*

### Textual Amendments

- F1** Words in s. 19(1) repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 30, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

### Commencement Information

- I1** S. 19 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I2** S. 19 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I3** S. 19 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I4** S. 19 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I5** S. 19 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

## 20 Medical examination required by appeal tribunal

- (1) This section applies where an appeal has been brought under section 12 above against a decision on a claim for a relevant benefit, or as to a person's entitlement to such a benefit <sup>F2</sup>....
- (2) An eligible person may, if prescribed conditions are satisfied, refer the person—
- (a) in respect of whom the claim is made; or
  - (b) whose entitlement is at issue,
- to a medical practitioner for such examination and report as appears to the eligible person to be necessary for the purpose of providing an appeal tribunal with information for use in determining the appeal.
- In this subsection “eligible person” means a person who is eligible to be appointed as the sole member of an appeal tribunal, or to be nominated as the chairman of such a tribunal.
- (3) At a hearing before an appeal tribunal, except in prescribed cases or circumstances, the tribunal—
- (a) may not carry out a physical examination of the person mentioned in subsection (2) above; and
  - (b) may not require that person to undergo any physical test for the purpose of determining whether he satisfies the condition mentioned in section 73(1)(a) of the Contributions and Benefits Act.

### Textual Amendments

- F2** Words in s. 20(1) repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 31, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

### Commencement Information

- I6** S. 20 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), **Sch.**

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- I7** S. 20 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I8** S. 20 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I9** S. 20(1)(2)(3)(a) in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I10** S. 20(1)(2)(3)(a) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I11** S. 20(1)(2)(3)(a) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)

**Status:**

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**Changes to legislation:**

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