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## SCHEDULES

### SCHEDULE 1

Sections 5(3) and 7(7).

#### APPEAL TRIBUNALS: SUPPLEMENTARY PROVISIONS

##### *Tenure of office*

- 1 (1) Subject to the following provisions of this paragraph, the President of appeal tribunals shall hold and vacate office in accordance with the terms of his appointment.
- (2) The President shall vacate his office on the day on which he attains 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).
- (3) The President may be removed from office by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (4) Where the Lord Chancellor proposes to exercise a power conferred on him by subparagraph (3) above, it shall be his duty to consult the Lord Advocate with respect to the proposal.

##### **Modifications etc. (not altering text)**

- C1** Sch. 1 para. 1(4) functions of Lord Advocate transferred (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\)](#), arts. 1, 2(1), **Sch.**
- C2** Sch. 1 para. 1(4) functions treated as exercisable in or as regards Scotland (30.6.1999) by [The Scotland Act 1998 \(Functions Exercisable in or as Regards Scotland\) Order 1999 \(S.I. 1999/1748\)](#), arts. 1, 3, **Sch. 1 para. 19**
- C3** Sch. 1 para. 1(4) functions transferred in relation to Scotland (1.7.1999) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 1999 \(S.I. 1999/1750\)](#), arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, art. 3

##### **Commencement Information**

- I1** Sch. 1 para. 1 in force at 1.6.1999 by [S.I. 1999/1510](#), **art. 2(c)** (with arts. 48-51)

##### *Remuneration etc.*

- 2 The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions or allowances to or in respect of the President as he may determine.

##### **Commencement Information**

- I2** Sch. 1 para. 2 in force at 1.6.1999 by [S.I. 1999/1510](#), **art. 2(c)** (with arts. 48-51)

- 3 The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions or allowances to or in respect of any person appointed

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under this Chapter to act as a member of an appeal tribunal, or as an expert to such a tribunal, as he may determine.

**Commencement Information**

**I3** Sch. 1 para. 3 in force at 1.6.1999 by [S.I. 1999/1510](#), **art. 2(c)** (with [arts. 48-51](#))

- 4 (1) The Secretary of State may pay—
- (a) to any person required to attend at any proceedings under section 12 of this Act or section 20 of the Child Support Act; or
  - (b) to any person required under this Part (whether for the purposes of this Part or otherwise) to attend for or to submit himself to medical or other examination or treatment,
- such travelling and other allowances as he may determine.
- (2) 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 paragraph 3 above.

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 1.6.1999 by [S.I. 1999/1510](#), **art. 2(c)** (with [arts. 48-51](#))

- 5 (1) Subject to sub-paragraph (2) below, the Secretary of State may pay such other expenses in connection with the work of any person or tribunal appointed or constituted under any provision of this Part as he may determine.
- (2) Expenses are not payable under sub-paragraph (1) above in connection with the work of a tribunal presided over by a Social Security Commissioner.

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 1.6.1999 by [S.I. 1999/1510](#), **art. 2(c)** (with [arts. 48-51](#))

*Officers and staff*

- 6 The Secretary of State may appoint such officers and staff as he thinks fit for the President and for appeal tribunals.

**Modifications etc. (not altering text)**

**C4** Sch. 1 para. 6 extended (temp.) (27.5.1999) by [The Social Security Act 1998 \(Commencement No. 7 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/1510\)](#), **art. 50**

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 1.6.1999 by [S.I. 1999/1510](#), **art. 2(c)** (with [arts. 48-51](#))

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### *Functions of President*

- 7 The President shall ensure that appropriate steps are taken by an appeal tribunal to secure the confidentiality, in such circumstances as may be prescribed, of any prescribed material or any prescribed classes or categories of material.

#### **Commencement Information**

- I7** Sch. 1 para. 7 in force at 4.3.1999 for specified purposes by [S.I. 1999/528, art. 2\(a\)](#), [Sch.](#)  
**I8** Sch. 1 para. 7 in force at 1.6.1999 in so far as not already in force by [S.I. 1999/1510, art. 2\(c\)](#) (with [arts. 48-51](#))

- 8 (1) The President shall, after the requisite consultation, arrange such training for persons appointed to the panel constituted under section 6 above as he considers appropriate.
- (2) In sub-paragraph (1) above “the requisite consultation” means—
- (a) except in the case of medical practitioners, consultation with the Secretary of State;
  - (b) in the case of such practitioners, consultation with the Chief Medical Officers of the Department of Health, the Welsh Office and the Scottish Office.

#### **Commencement Information**

- I9** Sch. 1 para. 8 in force at 1.6.1999 by [S.I. 1999/1510, art. 2\(c\)](#) (with [arts. 48-51](#))

- 9 The President shall supply the Secretary of State with such reports and other information with respect to the carrying out of the functions of appeal tribunals as the Secretary of State may require.

#### **Commencement Information**

- I10** Sch. 1 para. 9 in force at 1.6.1999 by [S.I. 1999/1510, art. 2\(c\)](#) (with [arts. 48-51](#))

- 10 Each year the President shall make to the Secretary of State a written report, based on the cases coming before appeal tribunals, on the standards achieved by the Secretary of State in the making of decisions against which an appeal lies to an appeal tribunal; and the Secretary of State shall publish the report.

### *Clerks to appeal tribunals*

- 11 The Secretary of State may by regulations provide—
- (a) for clerks to be assigned to service appeal tribunals; and
  - (b) for clerks so assigned to be responsible for summoning members of the panel constituted under section 6 above to serve on such tribunals.

#### **Commencement Information**

- I11** Sch. 1 para. 11 in force at 4.3.1999 for specified purposes by [S.I. 1999/528, art. 2\(a\)](#), [Sch.](#)  
**I12** Sch. 1 para. 11 in force at 1.6.1999 in so far as not already in force by [S.I. 1999/1510, art. 2\(c\)](#) (with [arts. 48-51](#))

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*Delegation of certain functions of appeal tribunals*

- 12 (1) The Secretary of State may by regulations provide—
- (a) for officers authorised by the Secretary of State to make any determinations which fall to be made by an appeal tribunal and which do not involve the determination of any appeal, application for leave to appeal or reference;
  - (b) for the procedure to be followed by such officers in making such determinations;
  - (c) for the manner in which such determinations by such officers may be called in question.
- (2) A determination which would have the effect of preventing an appeal, application for leave to appeal or reference being determined by an appeal tribunal is not a determination of the appeal, application or reference for the purposes of subparagraph (1) above.

**Commencement Information**

- I13** Sch. 1 para. 12 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)
- I14** Sch. 1 para. 12 in force at 1.6.1999 in so far as not already in force by [S.I. 1999/1510](#), [art. 2\(c\)](#) (with [arts. 48-51](#))

*Certificates*

- 13 A document bearing a certificate which—
- (a) is signed by a person authorised in that behalf by the Secretary of State; and
  - (b) states that the document, apart from the certificate, is a record of a decision of an appeal tribunal or of an officer of the Secretary of State,
- 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.

**Commencement Information**

- I15** Sch. 1 para. 13 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(c\)](#) (with [arts. 48-51](#))

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