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SCHEDULES

SCHEDULE 4

Section 14(12).

SOCIAL SECURITY COMMISSIONERS

Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) by [Pension Schemes Act 1993 \(c. 48\), s. 170\(7\)](#) (as substituted (14.6.1999 for specified purposes, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), ss. 16\(2\), 28\(3\) \(with Sch. 8\); S.I. 1999/1662, art 2, Sch. \(with art. 4\)](#))
- C2** Sch. 4 applied (temp.) (17.12.2002) by [The Tax Credits \(Appeals\) Regulations 2002 \(S.I. 2002/2926\), regs. 1\(1\)\(2\), 7](#) (as amended (16.3.2004) by [S.I. 2004/372, art. 1, reg. 2](#))
- C3** [Sch. 4](#) applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\), regs. 1\(1\), 9](#)

Appointment

- 1 (1) Her Majesty may from time to time appoint, from among persons who ^[F1]satisfy the judicial-appointment eligibility condition on a 7-year basis or advocates or solicitors in Scotland of at least 7 years' standing—
- (a) a Chief Social Security Commissioner; and
 - (b) such number of other Social Security Commissioners as Her Majesty thinks fit.
- (2) If the Lord Chancellor considers that, in order to facilitate the disposal of the business of Social Security Commissioners, he should make an appointment in pursuance of this sub-paragraph, he may appoint—
- ^[F2](a) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis; or
 - (b) an advocate or solicitor in Scotland of at least ^[F3]7 years' standing; or
 - (c) a member of the bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least ^[F4]7 years' standing,
- to be a Social Security Commissioner (but to be known as a deputy Commissioner) for such period or on such occasions as the Lord Chancellor thinks fit.
- (3) In this paragraph “10 year general qualification” shall be construed in accordance with section 71 of the Courts and Legal Services Act 1990.

Textual Amendments

- F1** Words in Sch. 4 para. 1(1) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 10 para. 29\(6\)](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F2** Sch. 4 para. 1(2)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148, Sch. 10 para. 29\(7\)\(a\)](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)

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- F3** Figure in Sch. 4 para. 1(2)(b) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007](#) (c. 15), s. 148, **Sch. 10 para. 29(7)(b)**; S.I. 2008/1653, art. 2(d) (with arts. 3, 4)
- F4** Figure in Sch. 4 para. 1(2)(c) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007](#) (c. 15), s. 148, **Sch. 10 para. 29(7)(b)**; S.I. 2008/1653, art. 2(d) (with arts. 3, 4)

Commencement Information

- I1** Sch. 4 para. 1 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** Sch. 4 para. 1 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** Sch. 4 para. 1 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I4** Sch. 4 para. 1 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** Sch. 4 para. 1 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)

Remuneration etc.

- 2 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 he may determine.

Commencement Information

- I6** Sch. 4 para. 2 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)
- I7** Sch. 4 para. 2 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I8** Sch. 4 para. 2 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I9** Sch. 4 para. 2 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)
- I10** Sch. 4 para. 2 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)

- 3 (1) The Lord Chancellor or, in Scotland, the Secretary of State may pay to any person who attends any proceedings under section 14 of this Act^{F5}, under section 6A of the Pensions Appeal Tribunals Act 1943^{F6} or under paragraph 8 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000] such travelling and other allowances as he may determine.

- (2) In this paragraph the reference to travelling and other allowances includes a reference to compensation for loss of remunerative time.

Textual Amendments

- F5** Words in Sch. 4 para. 3(1) inserted (6.4.2005) by [Armed Forces \(Pensions and Compensation\) Act 2004](#) (c. 32), **ss. 7(2), 8**; S.I. 2005/356, art. 2(2), Sch. 2
- F6** Words in Sch. 4 para. 3(1) inserted (2.7.2001) by [Child Support, Pensions and Social Security Act 2000](#) (c. 19), s. 86(1)(c)(2), **Sch. 7 para. 22(3)** (with s. 83(6)); S.I. 2001/1252, art. 2(2)(a)(v)

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Commencement Information

- I11** Sch. 4 para. 3 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)
- I12** Sch. 4 para. 3 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I13** Sch. 4 para. 3 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I14** Sch. 4 para. 3 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)
- I15** Sch. 4 para. 3 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)

Tenure of office

- 4 (1) Commissioners shall vacate their offices 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).
- (2) Nothing in sub-paragraph (1) above or in section 13 or 32 of the Judicial Pensions Act 1981 (which relate to pensions for Commissioners) shall apply to a person by virtue of his appointment in pursuance of paragraph 1(2) above.

Commencement Information

- I16** Sch. 4 para. 4 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)
- I17** Sch. 4 para. 4 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I18** Sch. 4 para. 4 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I19** Sch. 4 para. 4 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)
- I20** Sch. 4 para. 4 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)

- 5 (1) A Commissioner may be removed from office by the Lord Chancellor on the ground of incapacity or misbehaviour.
- [^{F7}(1A) The Lord Chancellor may remove a person under sub-paragraph (1) only with the concurrence of the appropriate senior judge.
- (1B) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the person exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session.]
- (2) Nothing in sub-paragraph (1) above applies to a Commissioner appointed before 23rd May 1980.

Textual Amendments

- F7** Sch. 4 para. 5(1A)(1B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 274**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)

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- I21** Sch. 4 para. 5 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)
- I22** Sch. 4 para. 5 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I23** Sch. 4 para. 5 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I24** Sch. 4 para. 5 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)
- I25** Sch. 4 para. 5 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)

Delegation of functions

- 6 The Lord Chancellor may by regulations provide—
- (a) for officers authorised by the Lord Chancellor or, in Scotland, by the Secretary of State to make any determinations which fall to be made by Commissioners;
 - (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.

Commencement Information

- I26** Sch. 4 para. 6 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**
- I27** Sch. 4 para. 6 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)
- I28** Sch. 4 para. 6 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I29** Sch. 4 para. 6 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I30** Sch. 4 para. 6 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)
- I31** Sch. 4 para. 6 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)

Certificates

- 7 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 a Commissioner,
- 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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- I32** Sch. 4 para. 7 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)
- I33** Sch. 4 para. 7 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I34** Sch. 4 para. 7 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I35** Sch. 4 para. 7 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)
- I36** Sch. 4 para. 7 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)

Supplemental

- 8 Where the Lord Chancellor proposes to exercise a power conferred on him by paragraph 1(2), 5(1) or 6 above, it shall be his duty to consult the Lord Advocate with respect to the proposal.

Modifications etc. (not altering text)

- C4** Sch. 4 para. 8 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.**
- C5** Sch. 4 para. 8 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**
- C6** Sch. 4 para. 8 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

- I37** Sch. 4 para. 8 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**
- I38** Sch. 4 para. 8 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)
- I39** Sch. 4 para. 8 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I40** Sch. 4 para. 8 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I41** Sch. 4 para. 8 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)
- I42** Sch. 4 para. 8 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)

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