

*Status: Point in time view as at 04/03/1999.*

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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 sub-paragraph (3) above, it shall be his duty to consult the Lord Advocate with respect to the proposal.

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

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- (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.

*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.

*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**

**II** Sch. 1 para. 7 in force at 4.3.1999 for specified purposes by [S.I. 1999/528, art. 2\(a\)](#), [Sch.](#)

- 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.
- 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.
- 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**

**I2** Sch. 1 para. 11 in force at 4.3.1999 for specified purposes by [S.I. 1999/528, art. 2\(a\)](#), [Sch.](#)

*Delegation of certain functions of appeal tribunals*

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

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- (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**

**I3** Sch. 1 para. 12 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

*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.

SCHEDULE 2

Section 12(1).

DECISIONS AGAINST WHICH NO APPEAL LIES

*Jobseeker's allowance for persons under 18*

- 1 In relation to a person who has reached the age of 16 but not the age of 18, a decision—
- (a) whether section 16 of the Jobseekers Act is to apply to him; or
  - (b) whether to issue a certificate under section 17(4) of that Act.

*Christmas bonus*

- 2 A decision whether a person is entitled to payment under section 148 of the Contributions and Benefits Act.

*Priority between persons entitled to invalid care allowance*

- 3 A decision as to the exercise of the discretion under section 70(7) of the Contributions and Benefits Act.

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*Priority between persons entitled to child benefit*

- 4 A decision as to the exercise of the discretion under paragraph 5 of Schedule 10 to the Contributions and Benefits Act.

*Persons treated as if present in Great Britain*

- 5 A decision whether to certify, in accordance with regulations made under section 64(1), 71(6), 113(1) or 119 of the Contributions and Benefits Act, that it is consistent with the proper administration of that Act to treat a person as though he were present in Great Britain.

*Alteration of rates of benefit*

- 6 A decision as to the amount of benefit to which a person is entitled, where it appears to the Secretary of State that the amount is determined by—
- (a) the rate of benefit provided for by law; or
  - (b) an alteration of a kind referred to in—
    - (i) section 159(1)(b) of the Administration Act (income support); or
    - (ii) section 159A(1)(b) of that Act (jobseeker's allowance).

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

- 7 A decision as to the amount of benefit to which a person is entitled, where it appears to the Secretary of State that the amount is determined by the recipient's entitlement to an increased amount of income support or income-based jobseeker's allowance in the circumstances referred to in section 160(2) or 160A(2) of the Administration Act.

*Reduction in accordance with reduced benefit direction*

- 8 A decision to reduce the amount of a person's benefit in accordance with a reduced benefit direction (within the meaning of section 46 of the Child Support Act).

*Power to prescribe other decisions*

- 9 Such other decisions as may be prescribed.

**Commencement Information**

**I4** Sch. 2 para. 9 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

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## SCHEDULE 3

Section 12(1).

### 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 decision whether a person is entitled to a relevant benefit for which no claim is required.

###### **Commencement Information**

**I5** Sch. 3 para. 1 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 2 If so, a decision as to the amount to which he is entitled.

###### *Payability of benefit*

- 3 A decision whether a relevant benefit (or a component of a relevant benefit) to which a person is entitled is not payable by reason of—
- (a) any provision of the Contributions and Benefits Act by which the person is disqualified for receiving benefit;
  - (b) regulations made under section 72(8) of that Act (disability living allowance);
  - (c) regulations made under section 113(2) of that Act (suspension of payment); or
  - (d) section 19 of the Jobseekers Act (jobseeker's allowance).

###### *Payments to third parties*

- 4 Except in such cases or circumstances as may be prescribed, a decision whether the whole or part of a benefit to which a person is entitled is, by virtue of regulations, to be paid to a person other than him.

###### **Commencement Information**

**I6** Sch. 3 para. 4 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

###### *Recovery of benefits*

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

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*Industrial injuries benefit*

- 7 A decision whether an accident was an industrial accident for the purposes of industrial injuries benefit.

*Jobseekers' agreements*

- 8 A decision in relation to a jobseeker's agreement as proposed to be made under section 9 of the Jobseekers Act, or as proposed to be varied under section 10 of that Act.

*Power to prescribe other decisions*

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

**Commencement Information**

- I7** [Sch. 3 para. 9](#) in force at 4.3.1999 for specified purposes by [S.I. 1999/528, art. 2\(a\)](#), [Sch.](#)

**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 in which the person is to be included.

*Compulsory contributions*

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

*Voluntary contributions*

- 14 A decision whether a person is entitled to pay contributions of any particular class that he is not liable to pay.  
 15 If so, a decision as to the amount that the person is entitled to pay.

*Responsibilities at home*

- 16 A decision whether a person was (within the meaning of regulations) precluded from regular employment by responsibilities at home.

*Earnings and contributions credits*

- 17 A decision whether a person is entitled to be credited with earnings or contributions in accordance with regulations made under section 22(5) of the Contributions and Benefits Act.

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*Statutory sick pay*

- 18 A decision whether an employer is entitled to make any deduction from his contributions payments in accordance with an order under section 159A of the Contributions and Benefits Act.
- 19 If so, a decision as to the amount that he is entitled to deduct.

*Statutory maternity pay*

- 20 A decision whether an employer is entitled to make any deduction from his contributions payments in accordance with regulations under section 167 of the Contributions and Benefits Act.
- 21 If so, a decision as to the amount that he is entitled to deduct.

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

- 22 Subject to the provisions of section 121D of the Administration Act, a decision as to the issue and content of a notice under section 121C(2) of that Act.

*Preserved rights to benefit etc.*

- 23 A decision falling to be made by virtue of regulations under paragraph 15 of Schedule 3 to the Social Security (Consequential Provisions) Act 1992.

*Employment of long-term unemployed*

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

*Interest and penalties*

- 25 A decision whether a person is liable to pay interest under paragraph 7B(2)(e) or (i) of Schedule 1 to the Contributions and Benefits Act.
- 26 A decision whether a person is liable to a penalty under—
- (a) paragraph 7A(2) or 7B(2)(h) of Schedule 1 to the Contributions and Benefits Act; or
  - (b) section 113(1)(a) or 114A(1) of the Administration Act.
- 27 A decision whether to charge any interest or penalty under paragraph 7C(1) of Schedule 1 to the Contributions and Benefits Act.
- 28 A decision as to the amount of interest or penalty payable under any of the provisions mentioned in paragraphs 25 to 27 above, except in so far as the decision relates to the exercise of the discretion under—
- (a) paragraph 7A(3)(e) or 7B(5)(e) of Schedule 1 to the Contributions and Benefits Act; or
  - (b) section 113(2)(e) or 114A(3)(e) of the Administration Act.

*Power to prescribe other decisions*

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

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## SCHEDULE 4

Section 14(12).

### SOCIAL SECURITY COMMISSIONERS

#### *Appointment*

- 1 (1) Her Majesty may from time to time appoint, from among persons who have a 10 year general qualification or advocates or solicitors in Scotland of at least 10 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—
- (a) a person who has a 10 year general qualification; or
  - (b) an advocate or solicitor in Scotland of at least 10 years' standing; or
  - (c) a member of the bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 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.

#### *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.
- 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 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.

#### *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.
- 5 (1) A Commissioner may be removed from office by the Lord Chancellor on the ground of incapacity or misbehaviour.



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- (2) Nothing in sub-paragraph (1) above applies to a Commissioner appointed before 23rd May 1980.

#### *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**

**I8** Sch. 4 para. 6 in force at 4.3.1999 for specified purposes by [S.I. 1999/528, art. 2\(a\)](#), [Sch.](#)

#### *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.

#### *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.

#### **Commencement Information**

**I9** Sch. 4 para. 8 in force at 4.3.1999 for specified purposes by [S.I. 1999/528, art. 2\(a\)](#), [Sch.](#)

## SCHEDULE 5

Section 16(1).

### REGULATIONS AS TO PROCEDURE: PROVISION WHICH MAY BE MADE

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

**C1** [Sch. 5](#): power to apply conferred (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by 1991 c. 48, s. 20(6) (as substituted by [Social Security Act 1998 \(c. 14\)](#), [ss. 42, 87\(2\)](#) (with s. 83, [Sch. 6](#)); [S.I. 1999/528, art. 2\(a\)](#), [Sch.](#); [S.I. 1999/1510, art. 2\(d\)](#))

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- 1 Provision prescribing the procedure to be followed in connection with—
- (a) the making of decisions or determinations by the Secretary of State, an appeal tribunal or a Commissioner; and
  - (b) the withdrawal of claims, applications, appeals or references falling to be decided or determined by the Secretary of State, an appeal tribunal or a Commissioner.

**Commencement Information**

**I10** Sch. 5 para. 1 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

- 2 Provision as to the striking out or reinstatement of proceedings.

**Commencement Information**

**I11** Sch. 5 para. 2 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

- 3 Provision as to the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence.

**Commencement Information**

**I12** Sch. 5 para. 3 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

- 4 Provision as to the time within which, or the manner in which—
- (a) any evidence is to be produced; or
  - (b) any application, reference or appeal is to be made.

**Commencement Information**

**I13** Sch. 5 para. 4 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

- 5 Provision for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses.

**Commencement Information**

**I14** Sch. 5 para. 5 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

- 6 Provision with respect to the procedure to be followed on appeals to and in other proceedings before appeal tribunals.

**Commencement Information**

**I15** Sch. 5 para. 6 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

- 7 Provision for authorising an appeal tribunal consisting of two or more members to proceed with any case, with the consent of the claimant, in the absence of any member.

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**Commencement Information**

**I16** Sch. 5 para. 7 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

- 8 Provision for empowering an appeal tribunal to give directions for the disposal of any purported appeal which the tribunal is satisfied that it does not have jurisdiction to entertain.

**Commencement Information**

**I17** Sch. 5 para. 8 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

- 9 Provision for the non-disclosure to a person of the particulars of any medical advice or medical evidence given or submitted for the purposes of a determination.

**Commencement Information**

**I18** Sch. 5 para. 9 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

SCHEDULE 6

Section 83.

TRANSITORY PROVISIONS

*Constitution of appeal tribunals*

- 1 In relation to any time before the commencement of section 7 of this Act so far as it relates to appeals under section 12 of this Act, section 41 of the Administration Act (constitution of social security appeal tribunals) shall have effect as if—
- (a) in subsection (1), for the words “and two other persons” there were substituted the words “sitting either alone or with one or two other persons”;
  - (b) in subsection (2), for the words “The members other than the chairman” there were substituted the words “Any members other than the chairman”;
  - and
  - (c) for subsection (6) there were substituted the following subsection—
    - “(6) Where the appeal tribunal hearing a case consists of more than one member it shall, if practicable, include at least one member who is of the same sex as the claimant.”

*Claims no longer subsisting after decisions made*

- 2 In relation to any time before the commencement of section 8(2) of this Act, section 21 of the Administration Act (decision of adjudication officer) shall have effect as if after subsection (6) there were inserted the following subsection—
- “(7) Where at any time a claim for a benefit to which section 20 above applies is decided by an adjudication officer or by a social security appeal tribunal on a reference by such an officer—

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- (a) the claim shall not be regarded as subsisting after that time; and
- (b) accordingly, the claimant shall not (without making a further claim) be entitled to the benefit on the basis of circumstances not obtaining at that time.”

*Appeals to tribunals*

- 3 (1) In relation to appeals brought after the passing of this Act and any time before the commencement of section 12(8)(b) of this Act, section 22 of the Administration Act (appeal to social security appeal tribunal) shall have effect as if after subsection (7) there were inserted the following subsection—

“(8) In deciding an appeal under this section, a social security appeal tribunal shall not take into account any circumstances not obtaining at the time when the decision appealed against was made.”

- (2) In relation to such appeals and any such time, section 33 of that Act (appeals following reviews) shall have effect as if after subsection (6) there were inserted the following subsection—

“(7) The tribunal shall not take into account any circumstances not obtaining at the time when the decision appealed against was made.”

*Appeals to Commissioners*

- 4 (1) In relation to any time before the commencement of section 14(7) of this Act, section 23 of the Administration Act (appeal from social security appeal tribunal to Commissioner) shall have effect as if—

- (a) after subsection (6) there were inserted the following subsection—

“(6A) If each of the principal parties to the appeal expresses the view that the decision appealed against was erroneous in point of law, the Commissioner may set aside the decision and refer the case to a tribunal with directions for its determination.

In this subsection “principal parties” means—

- (a) in a case relating to statutory sick pay or statutory maternity pay, the persons mentioned in subsection (2)(a), (b) and (c) above;
- (b) in any other case—
  - (i) the persons mentioned in subsection (3)(a) and (b) above; and
  - (ii) where applicable, the person mentioned in subsection (3)(d) and such a person as is first mentioned in subsection (4) of that section.”; and
- (b) in subsection (8), for the words “subsection (7)(b) above” there were substituted the words “subsection (6A) or (7)(b) above”.

- (2) In relation to any such time, section 34 of that Act (appeal from social security appeal tribunals or disability appeal tribunals to Commissioners etc.) shall have effect as if, in subsection (4), for the words “(7) to (10) of section 23” there were substituted the words “(6A) to (10) of section 23”.

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(3) In relation to any such time, section 48 of that Act (appeal etc. on question of law to Commissioner) shall have effect as if—

(a) after subsection (4) there were inserted the following subsection—

“(4A) If each of the principal parties to the appeal expresses the view that the decision appealed against was erroneous in point of law, the Commissioner may set aside the decision and refer the case to a medical appeal tribunal with directions for its determination.

In this subsection “principal parties” means the persons mentioned in subsection (1)(a), (b) and (d) above.”; and

(b) in subsection (6), for the words “subsection (5) above” there were substituted the words “subsection (4A) or (5) above”.

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

5 (1) In relation to any time before the commencement of section 21(2)(d) of this Act, section 5(1) of the Administration Act (regulations about claims for and payments of benefits) shall have effect as if after paragraph (n) there were inserted the following paragraph—

“(nn) for suspending payment, in whole or in part, where an appeal is pending against the decision given in a different case by a social security appeal tribunal, a Commissioner or a court, and it appears to the Secretary of State that if the appeal were to be determined in a particular way an issue would arise whether the award in the case itself ought to be revised;”.

(2) In relation to any such time, paragraph 10(2) of Schedule 1 to the Jobseekers Act (supplementary provisions) shall have effect as if for the words “section 5(1)(n)” there were substituted the words “section 5(1)(n) or (nn)”.

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

6 In relation to applications under section 26(1) or 30 of the Administration Act made after the passing of this Act and any time before the commencement of section 27 above, section 69 of that Act shall have effect as if after subsection (1) there were inserted the following subsection—

“(1A) Where the review under section 25(2) or 30 above was carried out on an application under section 26(1) or (as the case may be) section 30, it is immaterial for the purposes of subsection (1) above whether the application was made before or after the date of the relevant determination.”

#### *Reviews of social fund determinations*

7 In relation to any time before the commencement of section 38 of this Act, section 66 of the Administration Act (reviews) shall have effect as if—

(a) after paragraph (a) of subsection (1) there were inserted the following paragraph—

“(aa) may review such a determination on the ground that the person who applied for the payment to which the determination relates misrepresented, or failed to disclose, any material fact; and”;

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- (b) after subsection (5) there were inserted the following subsection—
- “(5A) In making a determination on a review a social fund officer or a social fund inspector need not consider—
- (a) in the case of a determination on a review under subsection (1)(a) above, any issue that is not raised by the application;
- (b) in the case of a determination on a review under subsection (1)(aa) above, any issue that is not raised by the material fact;
- (c) in the case of a determination on a review under subsection (1)(b) above, any issue that did not cause him to carry out the review.”;
- (c) for subsection (6) there were substituted the following subsection—
- “(6) In determining a question on a review under subsection (1)(a) or (b) above a social fund officer or social fund inspector shall, subject to subsection (7) below, have regard to whichever of the following are applicable, namely—
- (a) all the circumstances of the case and, in particular, the criteria specified in paragraphs (a) to (e) of subsection (1) of section 140 of the Contributions and Benefits Act;
- (b) the criteria mentioned in paragraphs (a) and (b) of subsection (1A) of that section; and
- (c) the criterion specified in directions issued by the Secretary of State under that subsection and the criteria mentioned in paragraph (b) of that subsection.”;
- (d) in subsection (7) of that section, after the word “review” there were inserted the words “under subsection (1)(a) or (b) above”;
- (e) after that subsection there were inserted the following subsections—
- “(7A) In making a determination on a review under subsection (1)(aa) above a social fund officer or a social fund inspector shall—
- (a) act in accordance with any general directions issued by the Secretary of State; and
- (b) take account of any general guidance issued by the Secretary of State.
- (7B) Any reference in subsection (5A), (6), (7) or (7A) above to a determination on a review under a particular provision of subsection (1) above shall be construed, in relation to a social fund inspector, as a reference to a determination on a further review of a determination which has been reviewed under that provision.”;
- (f) in subsection (9), for the words “this section”, in the first place where they occur, there were substituted the words “subsection (1)(a) or (b) above”; and
- (g) in subsection (10), after the word “determination”, in the first place where it occurs, there were inserted the words “which has been reviewed under subsection (1)(a) or (b) above”.

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*Overpayments out of social fund*

8 In relation to any time before the commencement of sections 9, 10 and 38 of this Act, section 71ZA of the Administration Act (overpayments out of social fund) shall have effect as if for subsection (2) there were substituted the following subsection—

“(2) Section 71 above as it so applies shall have effect as if the following provisions were omitted, namely—

- (a) in paragraph (a) of subsection (5) and subsection (5A), the words “reversed or varied on an appeal or”;
- (b) in paragraph (b) of subsection (5), the words “appeal or”; and
- (c) subsections (7), (10A) and (10B).”

*Child support: appeals to tribunals*

9 In relation to appeals brought after the passing of this Act and any time before the commencement of section 42 of this Act, section 20 of the Child Support Act (appeals) shall have effect as if after subsection (4) there were inserted the following subsection—

“(5) In deciding an appeal under this section, the tribunal shall not take into account any circumstances not obtaining at the time when the decision appealed against was made.”

SCHEDULE 7

Section 86(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

*Army Act 1955 (c. 18)*

1 In section 150A(3) of the Army Act 1955 (enforcement of maintenance assessment by deductions from pay), for the words “a child support officer” there shall be substituted the words “the Secretary of State”.

*Air Force Act 1955 (c. 19)*

2 In section 150A(3) of the Air Force Act 1955 (enforcement of maintenance assessment by deductions from pay), for the words “a child support officer” there shall be substituted the words “the Secretary of State”.

*Parliamentary Commissioner Act 1967 (c. 13)*

3 (1) In subsection (8) of section 5 of the Parliamentary Commissioner Act 1967 (matters subject to investigation), for the words “listed in Schedule 4 to this Act” there shall be substituted the words “constituted under Chapter I of Part I of the Social Security Act 1998”.

(2) In Schedule 4 to that Act (relevant tribunals for the purposes of section 5(7)) the following entries shall cease to have effect, namely—

“Tribunals constituted in Great Britain under regulations made under section 4 of the Vaccine Damage Payments Act 1979”;

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“Child support appeal tribunals constituted under section 21 of the Child Support Act 1991”;

“Social security appeal tribunals constituted under section 41 of the Social Security Administration Act 1992”;

“Disability appeal tribunals constituted under section 43 of that Act”; and

“Medical appeal tribunals constituted under section 50 of that Act”.

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

- 4 (1) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), in the entry relating to an adjudicating medical practitioner or specially qualified adjudicating medical practitioner, the words “Part II of the Social Security Administration Act 1992 or” shall cease to have effect.
- (2) In that Part of that Schedule, the following entries shall cease to have effect, namely—
- “Regional or other full-time chairman of a child support appeal tribunal established under section 21 of the Child Support Act 1991”;
- “A regional or other full-time Chairman of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals”;
- “Chief Adjudication Officer appointed under section 39 of the Social Security Administration Act 1992”;
- “Chief Child Support Officer appointed under section 13(3) of the Child Support Act 1991”;
- “Member of a Medical Appeal Tribunal appointed under section 50 of the Social Security Administration Act 1992”;
- “Member of a panel appointed under section 6 of the Tribunals and Inquiries Act 1992 of persons to act as chairmen of Child Support Appeal Tribunals”;
- “Member of a panel appointed under section 6 of the Tribunals and Inquiries Act 1992 of persons to act as chairmen of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals”;
- “Member of a panel of persons who may be appointed to serve on a Vaccine Damage Tribunal”; and
- “President of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals”.
- (3) In that Part of that Schedule there shall be inserted at the appropriate places the following entries—
- “Member of a panel of persons appointed under section 6 of the Social Security Act 1998”;
- “President of appeal tribunals (within the meaning of Chapter I of Part I of the Social Security Act 1998) appointed under section 5 of that Act”.



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

- 5 In subsection (4) of section 3 of the Vaccine Damage Payments Act (determination of claims), for the words from “that, if an application” to the end there shall be substituted the words “of the right of appeal conferred by section 4 below”.
- 6 In section 5 of that Act (reconsideration of determinations and recovery of payments in certain cases), subsections (1) to (3) and (5) shall cease to have effect.
- 7 (1) In subsection (3) of section 7 of that Act (payments, claims etc. made prior to Act)—
- (a) for the words “section 5 above”, in the first place where they occur, there shall be substituted the words “section 3A above”; and
  - (b) the words from “and in relation to” to the end shall cease to have effect.
- (2) In subsection (4) of that section, for the words “Subsections (4) and (5) of section 5 above” there shall be substituted the words “Section 5(4) above”.
- 8 After section 7A of that Act there shall be inserted the following section—

**“7B Finality of decisions**

- (1) Subject to the provisions of this Act, any decision made in accordance with the foregoing provisions of this Act shall be final.
- (2) If and to the extent that regulations so provide, any finding of fact or other determination embodied in or necessary to such a decision, or on which such a decision is based, shall be conclusive for the purposes of—
  - (a) further such decisions;
  - (b) decisions made in accordance with sections 8 to 16 of the Social Security Act 1998, or with regulations under section 11 of that Act; and
  - (c) decisions made under the Child Support Act 1991.”

**Commencement Information**

**I19** Sch. 7 para. 8 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 9 In subsection (3) of section 8 of that Act (regulations)—
- (a) for the words “a reconsideration under section 5 above”, in both places where they occur, there shall be substituted the words “a decision under section 3A above”; and
  - (b) for the words “the tribunals constituted under section 4 above” there shall be substituted the words “appeal tribunals”.

**Commencement Information**

**I20** Sch. 7 para. 9 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 10 In section 12 of that Act (financial provisions), subsection (1) shall cease to have effect.

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*Forfeiture Act 1982 (c. 34)*

- 11 (1) In subsection (2)(b) of section 4 of the Forfeiture Act 1982 (Commissioner to decide whether rule applies to social security benefits), for the words “section 59 of the Social Security Administration Act 1992” there shall be substituted the words “section 16 of the Social Security Act 1998”.
- (2) In subsection (5) of that section, in the definition of “Commissioner”, for the words “Social Security Administration Act 1992” there shall be substituted the words “Chapter II of Part I of the Social Security Act 1998”.

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

- 12 In subsection (5)(f) of section 1 (competence of time to pay direction) and subsection (4)(f) of section 5 (competence of time to pay order) of the Debtors (Scotland) Act 1987—
- (a) the word “; or” after sub-paragraph (ii) shall cease to have effect; and
- (b) after sub-paragraph (iii) there shall be inserted the words “or
- (iv) any amount by way of contributions, or by way of interest or penalty in respect of contributions, certified under section 118(1) of the Social Security Administration Act 1992 as liable to be paid to the Secretary of State.”
- 13 In section 106 of that Act (interpretation), in the definition of “summary warrant”, after paragraph (c) there shall be inserted the following paragraph—
- “(cc) section 121B of the Social Security Administration Act 1992;”.
- 14 In paragraph 35 of Schedule 5 to that Act (interpretation), in the definition of “creditor”, after paragraph (d) there shall be inserted the following paragraph—
- “(dd) for the purposes of section 121B of the Social Security Administration Act 1992, the Secretary of State;”.

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

- 15 In paragraph 7A of Schedule 2 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987 (recovery of outstanding community charge by deductions from income support or jobseeker’s allowance), for the words “appeals and reviews” in sub-paragraph (2)(a) there shall be substituted the words “appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act”.

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

- 16 In subsection (3) of section 172 of the Income and Corporation Taxes Act 1988 (exceptions from tax)—
- (a) for the words “Class 1 contributions” there shall be substituted the words “secondary Class 1 contributions”; and
- (b) for the words “lower earnings limit” there shall be substituted the words “earnings threshold”.

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

- 17 In sub-paragraph (2)(a) of paragraph 6 of Schedule 4 to the Local Government Finance Act 1988 (recovery of outstanding community charge by deductions from income support or jobseeker’s allowance), for the words “appeals and reviews” there shall be substituted the words “appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act”.

*Child Support Act 1991 (c. 48)*

- 18 In section 2 of the Child Support Act (welfare of children: the general principle), the words “or any child support officer” shall cease to have effect.
- 19 In subsection (4) of section 4 of that Act (child support maintenance), the words “or the child support officer” shall cease to have effect.
- 20 In subsection (9) of section 6 of that Act (applications by those receiving benefit), the words “or the child support officer” shall cease to have effect.
- 21 In subsection (5) of section 7 of that Act (right of child in Scotland to apply for assessment), the words “or the child support officer” shall cease to have effect.
- 22 In subsections (1) and (2) of section 8 of that Act (role of courts with respect to maintenance for children), for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- 23 (1) In subsection (4) of section 10 of that Act (relationship between maintenance assessments and certain court orders)—
- (a) for the words “the child support officer concerned” there shall be substituted the words “the Secretary of State”; and
  - (b) for the words “that officer” there shall be substituted the word “he”.
- (2) In subsection (5) of that section, for the words “a child support officer” there shall be substituted the words “an officer of the Secretary of State”.
- 24 (1) In subsection (1) of section 11 of that Act (maintenance assessments), for the words “referred by him to a child support officer whose duty it shall be to deal with the application” there shall be substituted the words “dealt with by him”.
- (2) In subsection (1A) of that section, for the words “before referring the application to a child support officer” there shall be substituted the words “before determining the application”.
- 25 (1) For subsections (1) and (1A) of section 12 of that Act (interim maintenance assessments) there shall be substituted the following subsection—
- “(1) Where the Secretary of State—
- (a) is required to make a maintenance assessment; or
  - (b) is proposing to make a decision under section 16 or 17,
- and (in either case) it appears to him that he does not have sufficient information to enable him to do so, he may make an interim maintenance assessment.”
- (2) In subsections (4) and (5) of that section, for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- 26 Section 13 of that Act (child support officers) shall cease to have effect.

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- 27 In section 14 of that Act (information required by Secretary of State)—
- (a) subsections (2) and (2A) shall cease to have effect; and
  - (b) in subsection (3), the words “or by child support officers” shall cease to have effect and for the word “them” there shall be substituted the word “him”.

**Commencement Information**

**I21** Sch. 7 para. 27(a) in force at 8.9.1998 by S.I. 1998/2209, art. 2(a), **Sch. Pt. I**

- 28 In subsection (1) of section 15 of that Act (powers of inspectors), the words “or any child support officer” shall cease to have effect.
- 29 In subsection (4)(a) of section 22 of that Act (Child Support Commissioners), for the words “section 21(3)” there shall be substituted the words “Schedule 5 to the Social Security Act 1998”.
- 30 (1) In subsection (1) of section 24 of that Act (appeal to Child Support Commissioner), for the words “a child support appeal tribunal, and any child support officer” there shall be substituted the words “an appeal tribunal, and the Secretary of State”.
- (2) Subsection (1A) of that section shall cease to have effect.
- (3) In subsection (3) of that section—
- (a) for the words “the child support appeal tribunal” there shall be substituted the words “the appeal tribunal”;
  - (b) for the words “a child support appeal tribunal”, in both places where they occur, there shall be substituted the words “an appeal tribunal”; and
  - (c) for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- (4) For subsection (4) of that section there shall be substituted the following subsection—
- “(4) The reference under subsection (3) to the Secretary of State shall, subject to any direction of the Child Support Commissioner, be to an officer of his, or a person providing him with services, who has taken no part in the decision originally appealed against.”
- (5) In subsection (5) of that section, for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”.
- (6) In subsection (6) of that section—
- (a) for the words “who was the chairman of the child support appeal tribunal” there shall be substituted the words “who constituted, or was the chairman of, the appeal tribunal”; and
  - (b) for the words “such other chairman of a child support appeal tribunal” there shall be substituted the words “such other person”.
- (7) In subsection (8) of that section, for the words “a child support officer”, in both places where they occur, there shall be substituted the words “the Secretary of State”.
- 31 (1) In subsection (1) of section 26 of that Act (disputes about parentage), for the words “the child support officer concerned” there shall be substituted the words “the Secretary of State”.

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- (2) In subsection (2) of that section, in Case E, for the words “the child support officer” there shall be substituted the words “the Secretary of State”.
- 32 In subsection (1) of section 27 of that Act (reference to court for declaration of parentage), for the words “a child support officer to whom the case is referred” there shall be substituted the words “the Secretary of State”.
- 33 In subsection (1) of section 28 of that Act (power of Secretary of State to initiate or defend actions of declarator: Scotland), for the words “a child support officer to whom the case is referred” there shall be substituted the words “the Secretary of State”.
- 34 For subsection (4) of section 28A of that Act (application for departure direction) there shall be substituted the following subsection—
- “(4) An application may be made under this section even though an application has been made under section 16(1) or 17(1) with respect to the current assessment.”
- 35 (1) In section 28B of that Act (preliminary consideration of applications), subsections (4) and (5) shall cease to have effect.
- (2) For subsection (6) of that section there shall be substituted the following subsection—
- “(6) Where a decision as to a maintenance assessment is revised or superseded under section 16 or 17, the Secretary of State—
- (a) shall notify the applicant and such other persons as may be prescribed that the decision has been revised or superseded; and
- (b) may direct that the application is to lapse unless, before the end of such period as may be prescribed, the applicant notifies the Secretary of State that he wishes it to stand.”

#### **Commencement Information**

**I22** Sch. 7 para. 35(2) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 36 In subsections (1) and (3) of section 28D of that Act (determination of applications), for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”.
- 37 In subsection (6) of section 28F of that Act (departure directions), for the words “a child support officer to make” there shall be substituted the words “the making of”.
- 38 Subsection (1) of section 28G of that Act (effect and duration of departure directions) shall cease to have effect.
- 39 For section 28H of that Act there shall be substituted the following section—

#### **“28H Departure directions: decisions and appeals**

Schedule 4C shall have effect for applying sections 16, 17, 20 and 28ZA to 28ZC to decisions with respect to departure directions.”

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**Commencement Information**

**I23** Sch. 7 para. 39 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

40 After subsection (2) of section 43 of that Act (contribution to maintenance by deduction from benefit) there shall be inserted the following subsection—

“(3) Schedule 4C shall have effect for applying sections 16, 17, 20 and 28ZA to 28ZC to any decision with respect to a person’s liability under this section, that is to say, his liability to make payments under regulations made by virtue of this section.”

**Commencement Information**

**I24** Sch. 7 para. 40 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

41 In subsection (1) of section 44 of that Act (jurisdiction), for the words “A child support officer” there shall be substituted the words “The Secretary of State”.

42 (1) In subsection (1) of section 45 of that Act (jurisdiction of courts in certain proceedings under this Act), for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”.

(2) In subsection (6) of that section, for the words “child support appeal tribunals” there shall be substituted the words “appeal tribunals”.

43 (1) In subsection (2) of section 46 of that Act (failure to comply with obligations imposed by section 6), for the words “A child support officer” there shall be substituted the words “The Secretary of State”.

(2) In subsections (3) to (6) of that section, for the words “the child support officer” there shall be substituted the words “the Secretary of State”.

(3) For subsections (7) and (8) of that section there shall be substituted the following subsection—

“(7) Schedule 4C shall have effect for applying sections 16, 17, 20 and 28ZA to 28ZC to decisions with respect to reduced benefit directions.”

(4) In subsection (11) of that section, in the definition of “reduced benefit direction”, the words “, binding on the adjudication officer,” shall cease to have effect.

**Commencement Information**

**I25** Sch. 7 para. 43(3) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

44 After that section there shall be inserted the following sections—

**“46A Finality of decisions**

(1) Subject to the provisions of this Act, any decision of the Secretary of State or an appeal tribunal made in accordance with the foregoing provisions of this Act shall be final.



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- (2) If and to the extent that regulations so provide, any finding of fact or other determination embodied in or necessary to such a decision, or on which such a decision is based, shall be conclusive for the purposes of—
- (a) further such decisions;
  - (b) decisions made in accordance with sections 8 to 16 of the Social Security Act 1998, or with regulations under section 11 of that Act; and
  - (c) decisions made under the Vaccine Damage Payments Act 1979.

#### **46B Matters arising as respects decisions**

- (1) Regulations may make provision as respects matters arising pending—
- (a) any decision of the Secretary of State under section 11, 12 or 17;
  - (b) any decision of an appeal tribunal under section 20; or
  - (c) any decision of a Child Support Commissioner under section 24.
- (2) Regulations may also make provision as respects matters arising out of the revision under section 16, or on appeal, of any such decision as is mentioned in subsection (1).
- (3) Any reference in this section to section 16, 17 or 20 includes a reference to that section as extended by Schedule 4C.”

#### **Commencement Information**

**I26** Sch. 7 para. 44 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 45 In subsection (5) of section 50 of that Act (unauthorised disclosure of information), in paragraph (c), after the words “other officer of,” there shall be inserted the words “an appeal tribunal or”.
- 46 In subsection (2) of section 51 of that Act (supplementary powers to make regulations)—
- (a) in paragraph (a), for sub-paragraph (iii) there shall be substituted the following sub-paragraph—

“(iii) the making of decisions under section 16 or 17;”;  
and
  - (b) in paragraph (b), for the words “section 18 or 19” there shall be substituted the words “Schedule 4C”.

#### **Commencement Information**

**I27** Sch. 7 para. 46(a) in force at 16.11.1998 by S.I. 1998/2780, art. 2(a) (with art. 3(5))

**I28** Sch. 7 para. 46 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 47 In section 54 of that Act (interpretation)—
- (a) the following definition shall be inserted in the appropriate place—

““appeal tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998;”;

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- (b) the definitions of “adjudication officer”, “Chief Adjudication Officer”, “Chief Child Support Officer”, “child support appeal tribunal” and “child support officer” shall cease to have effect.
- 48 (1) In paragraph 8 of Schedule 1 to that Act (housing costs), for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- (2) In paragraph 9 of that Schedule (regulations about income and capital), for the words “the child support officer concerned” and the words “the child support officer” there shall be substituted the words “the Secretary of State”.
- (3) In paragraph 13 of that Schedule (assessments where amount of child support is nil), for the words “A child support officer” there shall be substituted the words “The Secretary of State”.
- (4) In paragraph 15 of that Schedule (separate assessments for different periods), for the words “a child support officer” there shall be substituted the words “the Secretary of State”.
- (5) In paragraph 16 of that Schedule (termination of assessments)—
- (a) in sub-paragraphs (2) to (6) and (8), for the words “a child support officer”, in each place where they occur, there shall be substituted the words “the Secretary of State”;
- (b) in sub-paragraph (4A), for the words “conducting a review under section 16, 17, 18 or 19” there shall be substituted the words “proposing to make a decision under section 16 or 17” and for the words “complete the review” there shall be substituted the words “make the decision”;
- (c) in sub-paragraph (7), for the words “the child support officer” there shall be substituted the words “the Secretary of State”; and
- (d) in sub-paragraph (10), the words “or a child support officer” shall cease to have effect.
- 49 Paragraph 2 of Schedule 2 to that Act (local authority records) shall cease to have effect.

#### Commencement Information

**I29** Sch. 7 para. 49 in force at 8.9.1998 by S.I. 1998/2209, art. 2(a), Sch. Pt. I

- 50 Schedule 3 to that Act (child support appeal tribunals) shall cease to have effect.
- 51 In paragraph 2A of Schedule 4 to that Act (Child Support Commissioners), for sub-paragraph (1) there shall be substituted the following sub-paragraph—
- “(1) The Lord Chancellor or, in Scotland, the Secretary of State may pay to any person who attends any proceedings before a Child Support Commissioner such travelling and other allowances as he may determine.”
- 52 (1) In sub-paragraph (1) of paragraph 5 of Schedule 4 to that Act (Child Support Commissioners)—
- (a) for the words “that an appeal” there shall be substituted the words “that—
- (a) an application for leave under section 24(6)(b); or
- (b) an appeal,”;



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- (b) for the words “that the appeal” there shall be substituted the words “that the application or appeal”; and
  - (c) after the words “any three” there shall be inserted the words “or more”.
- (2) At the end of sub-paragraph (2) of that paragraph there shall be inserted the words “; and the presiding Child Support Commissioner shall have a casting vote if the votes are equally divided”.
- (3) After that sub-paragraph there shall be inserted the following sub-paragraph—
- “(3) Where a direction is given under sub-paragraph (1)(a), section 24(6)(b) shall have effect as if the reference to a Child Support Commissioner were a reference to such a tribunal as is mentioned in sub-paragraph (1).”
- (4) For paragraph 6(2) of that Schedule there shall be substituted the following sub-paragraph—
- “(2) If and to the extent that regulations so provide, any finding of fact or other determination which is embodied in or necessary to a decision, or on which a decision is based, shall be conclusive for the purposes of any further decision.”

#### Commencement Information

**I30** Sch. 7 para. 52(4) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 53 (1) In paragraph 1 of Schedule 4A to that Act (interpretation), the definition of “review” shall cease to have effect.
- (2) In paragraph 2 of that Schedule (applications for departure directions)—
- (a) in sub-paragraph (b), for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”; and
  - (b) in sub-paragraph (c), for the words “a departure application and a review are to be dealt with” there shall be substituted the words “a decision on a departure application and a decision under section 16 or 17 are to be made”.
- (3) In paragraph 4(1) of that Schedule (information), the words “a child support officer or” shall cease to have effect.
- (4) Paragraph 6 of that Schedule (reviews and departure directions) shall cease to have effect.
- (5) In paragraph 8 of that Schedule (joint consideration of departure applications and appeals), for the words “A child support appeal tribunal” there shall be substituted the words “An appeal tribunal”.
- (6) In paragraph 9 of that Schedule (child support appeal tribunals)—
- (a) in the heading, for the words “Child support appeal tribunals” there shall be substituted the words “Appeal tribunals”; and
  - (b) in sub-paragraph (1), for the words “a child support appeal tribunal” there shall be substituted the words “an appeal tribunal”.

*Status: Point in time view as at 04/03/1999.*

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### Commencement Information

**I31** Sch. 7 para. 53(5) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

54 After Schedule 4B to that Act there shall be inserted the following Schedule—

“SCHEDULE  
4C

Section 83.

DECISIONS AND APPEALS: DEPARTURE DIRECTIONS  
AND REDUCED BENEFIT DIRECTIONS ETC.

*Revision of decisions*

- 1 Section 16 shall apply in relation to—
- (a) any decision of the Secretary of State with respect to a departure direction, a reduced benefit direction or a person’s liability under section 43;
  - (b) any decision of the Secretary of State under section 17 as extended by paragraph 2; and
  - (c) any decision of an appeal tribunal on a referral under section 28D(1)(b),
- as it applies in relation to any decision of the Secretary of State under section 11, 12 or 17.

*Decisions superseding earlier decisions*

- 2 (1) Section 17 shall apply in relation to—
- (a) any decision of the Secretary of State with respect to a departure direction, a reduced benefit direction or a person’s liability under section 43;
  - (b) any decision of the Secretary of State under section 17 as extended by this sub-paragraph; and
  - (c) any decision of an appeal tribunal on a referral under section 28D(1)(b),
- whether as originally made or as revised under section 16 as extended by paragraph 1, as it applies in relation to any decision of the Secretary of State under section 11, 12 or 17, whether as originally made or as revised under section 16.
- (2) Section 17 shall apply in relation to any decision of an appeal tribunal under section 20 as extended by paragraph 3 as it applies in relation to any decision of an appeal tribunal under section 20.

*Appeals to appeal tribunals*

- 3 (1) Subject to sub-paragraphs (2) and (3), section 20 shall apply—
- (a) in relation to a qualifying person who is aggrieved by any decision of the Secretary of State with respect to a departure direction; and

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- (b) in relation to any person who is aggrieved by a decision of the Secretary of State—
  - (i) with respect to a reduced benefit direction; or
  - (ii) with respect to a person’s liability under section 43, as it applies in relation to a person whose application for a maintenance assessment is refused or to such a person as is mentioned in subsection (2) of section 20.
- (2) On an appeal under section 20 as extended by sub-paragraph (1)(a), the appeal tribunal shall—
  - (a) consider the matter—
    - (i) as if it were exercising the powers of the Secretary of State in relation to the application in question; and
    - (ii) as if it were subject to the duties imposed on him in relation to that application;
  - (b) have regard to any representations made to it by the Secretary of State; and
  - (c) confirm the decision or replace it with such decision as the tribunal considers appropriate.
- (3) No appeal shall lie under section 20 as extended by sub-paragraph (1)(b)(i) unless the amount of the person’s benefit is reduced in accordance with the reduced benefit direction; and the time within which such an appeal may be brought shall run from the date of the notification of the reduction.
- (4) In sub-paragraph (1) “qualifying person” means—
  - (a) the person with care, or absent parent, with respect to whom the current assessment was made; or
  - (b) where the application for the current assessment was made under section 7, either of those persons or the child concerned.

*Decisions and appeals dependent on other cases*

- 4 (1) Section 28ZA shall also apply where—
  - (a) a decision falls to be made—
    - (i) with respect to a departure direction, a reduced benefit direction or a person’s liability under section 43, by the Secretary of State; or
    - (ii) with respect to a departure direction, by an appeal tribunal on a referral under section 28D(1)(b); and
  - (b) an appeal is pending against a decision given with respect to a different direction by a Child Support Commissioner or a court.
- (2) Section 28ZA as it applies by virtue of sub-paragraph (1) shall have effect as if the reference in subsection (3) to section 16 were a reference to that section as extended by paragraph 1.
- (3) Section 28ZA as it applies by virtue of sub-paragraph (1)(a)(ii) shall have effect as if—
  - (a) in subsection (2)—

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- (i) for the words “the Secretary of State” there were substituted the words “the appeal tribunal”; and
- (ii) for the word “he”, in both places where it occurs, there were substituted the word “it”; and
- (b) in subsection (3)—
  - (i) for the words “the Secretary of State” there were substituted the words “the appeal tribunal”;
  - (ii) for the word “he” there were substituted the words “the Secretary of State”; and
  - (iii) for the word “his” there were substituted the words “the tribunal's”.
- 5 (1) Section 28ZB shall also apply where—
  - (a) an appeal is made to an appeal tribunal under section 20 as extended by paragraph 3; and
  - (b) an appeal is pending against a decision given in a different case by a Child Support Commissioner or a court.
- (2) Section 28ZB as it applies by virtue of sub-paragraph (1) shall have effect as if any reference to section 16 or section 17 were a reference to that section as extended by paragraph 1 or, as the case may be, paragraph 2.

*Cases of error*

- 6 (1) Subject to sub-paragraph (2) below, section 28ZC shall also apply where—
  - (a) the effect of the determination, whenever made, of an appeal to a Child Support Commissioner or the court (“the relevant determination”) is that the adjudicating authority’s decision out of which the appeal arose was erroneous in point of law; and
  - (b) after the date of the relevant determination a decision falls to be made by the Secretary of State in accordance with that determination (or would, apart from this paragraph, fall to be so made)—
    - (i) in relation to an application for a departure direction (made after the commencement date);
    - (ii) as to whether to revise, under section 16 as extended by paragraph 1, a decision (made after the commencement date) in relation to a departure direction, a reduced benefit direction or a person’s liability under section 43; or
    - (iii) on an application made under section 17 as extended by paragraph 2 before the date of the relevant determination (but after the commencement date) for a decision in relation to a departure direction, a reduced benefit direction or a person’s liability under section 43 to be superseded.
- (2) Section 28ZC shall not apply where the decision of the Secretary of State mentioned in sub-paragraph (1)(b) above—

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- (a) is one which, but for section 28ZA(2)(a) as it applies by virtue of paragraph 4(1), would have been made before the date of the relevant determination; or
  - (b) is one made in pursuance of section 28ZB(3) or (5) as it applies by virtue of paragraph 5(1).
- (3) Section 28ZC as it applies by virtue of sub-paragraph (1) shall have effect as if in subsection (4), in the definition of “adjudicating authority”, at the end there were inserted the words “or, in the case of a decision made on a referral under section 28D(1)(b), an appeal tribunal”.
- (4) In this paragraph “adjudicating authority”, “the commencement date” and “the court” have the same meanings as in section 28ZC.”

#### Commencement Information

**I32** Sch. 7 para. 54 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

#### *Criminal Justice Act 1991 (c. 53)*

- 55 In subsection (2)(b) of section 24 of the Criminal Justice Act 1991 (recovery of fines etc. by deductions from income support or jobseeker’s allowance), for the words “appeals and reviews” there shall be substituted the words “appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act”.

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

- 56 (1) In subsection (2) of section 1 of the Contributions and Benefits Act (outline of contributory system), for the word “five” there shall be substituted the word “six” and after paragraph (b) there shall be inserted the following paragraph—
- “(bb) Class 1B, payable under section 10A below by persons who are accountable to the Inland Revenue in respect of income tax on emoluments in accordance with a PAYE settlement agreement;”.
- (2) In subsection (4)(a) of that section after “1A,” there shall be inserted “1B,”.
- (3) In subsection (6) of that section, after the words “Class 1A”, in both places where they occur, there shall be inserted the words “, Class 1B”.

#### Commencement Information

**I33** Sch. 7 para. 56 in force at 8.9.1998 for specified purposes and 6.4.1999 so far as not already in force by S.I. 1998/2209, art. 2(b)(c), Sch. Pts. II, III

- 57 After subsection (2) of section 6 of that Act (liability for Class 1 contributions) there shall be inserted the following subsection—
- “(2A) No primary or secondary Class 1 contribution shall be payable in respect of earnings if a Class 1B contribution is payable in respect of them.”

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- 58 (1) In subsection (5) of section 10 of that Act (Class 1A contributions), for the words from “for secondary” to “earnings bracket” there shall be substituted the words “specified as the secondary percentage in section 9(2) above”.
- (2) After subsection (8) of that section there shall be inserted the following subsection—
- “(8A) No Class 1A contribution shall be payable in respect of the making available of a car, or the provision of fuel, if a Class 1B contribution is payable in respect of it.”
- 59 After subsection (3) of section 14 of that Act (restriction on right to pay Class 3 contributions) there shall be inserted the following subsection—
- “(4) Where primary Class 1 contributions have been paid or treated as paid on any part of a person’s earnings, subsection (1)(a) above shall have effect as if such contributions had been paid or treated as paid on so much of those earnings as did not exceed the upper earnings limit.”
- 60 After subsection (5) of section 21 of that Act (contribution conditions) there shall be inserted the following subsection—
- “(5A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person’s earnings, the following provisions, namely—
- (a) subsection (5)(c) above;
- (b) sections 22(1)(a) and (3)(a), 23(3)(a), 24(2)(a), 44(6)(a) and 45A(1)(a) below; and
- (c) paragraphs 2(4)(a) and (5)(a), 4(2)(a), 5(2)(b) and (4)(a) and 7(4)(a) of Schedule 3 to this Act,
- shall have effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit.”
- 61 In subsection (4) of section 22 of that Act (earnings factors), for the words “upon which” there shall be substituted the words “in respect of which”.
- 62 In subsection (2) of section 54 of that Act (Category A and Category B retirement pensions: supplemental provisions), for the words “Part II of the Administration Act” there shall be substituted the words “Chapter II of Part I of the Social Security Act 1998”.
- 63 In subsection (5)(c) of section 95 of that Act (relevant employments), after the words “the Administration Act” there shall be inserted the words “, or Chapter II of Part I of the Social Security Act 1998,”.
- 64 In subsection (1)(b) of section 97 of that Act (accidents in the course of illegal employments), for the words “section 44 of the Administration Act” there shall be substituted the words “section 29 of the Social Security Act 1998”.
- 65 In subsection (2) of section 109 of that Act (general provisions relating to benefit under section 108)—
- (a) in paragraph (a), for the words “or the Administration Act” there shall be substituted the words “, the Administration Act or Chapter II of Part I of the Social Security Act 1998”;
- (b) in paragraph (b), for the words “and that Act” there shall be substituted the words “, that Act and that Chapter”;
- (c) for the words “the Administration Act”, in the second place where they occur, there shall be substituted the words “that Act and that Chapter”; and

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- (d) after the words “section 1” there shall be inserted the words “of that Act”.
- 66 In subsection (3) of section 113 of that Act (general provisions as to disqualification and suspension), for the words “or the Administration Act” there shall be substituted the words “, the Administration Act or Chapter II of Part I of the Social Security Act 1998”.
- 67 In subsection (2) of section 116 of that Act (Her Majesty’s forces), for the words “provision of Part II of the Administration Act which replaces” there shall be substituted the words “provisions of Chapter II of Part I of the Social Security Act 1998 which correspond to”.
- 68 In subsection (1) of section 117 of that Act (mariners, airmen etc.), for the words “provision of Part II of the Administration Act which replaces” there shall be substituted the words “provisions of Chapter II of Part I of the Social Security Act 1998 which correspond to”.
- 69 In section 119 of that Act (persons outside Great Britain), for the words “provision of Part II of the Administration Act which replaces” there shall be substituted the words “provisions of Chapter II of Part I of the Social Security Act 1998 which correspond to”.
- 70 In subsection (1) of section 120 of that Act (employment at sea: continental shelf operations), for the words “provision of Part II of the Administration Act which replaces” there shall be substituted the words “provisions of Chapter II of Part I of the Social Security Act 1998 which correspond to”.
- 71 In subsection (1) of section 122 of that Act (interpretation of Parts I to VI and supplementary provisions)—
- (a) in the definition of “entitled”, for the words “and 68 of the Administration Act” there shall be substituted the words “of the Administration Act and section 27 of the Social Security Act 1998”;
  - (b) the definitions of “initial primary percentage” and “main primary percentage” shall cease to have effect;
  - (c) for the definitions of “lower earnings limit” and “upper earnings limit” there shall be substituted the following definitions—
    - ““lower earnings limit”, “upper earnings limit” and “earnings threshold” are to be construed in accordance with subsection (1) of section 5 above, and references to the lower or upper earnings limit, or to the earnings threshold, of a tax year are to whatever is (or was) for that year the limit or threshold in force under that subsection;”;
  - (d) after the definition of “Old Cases payments” there shall be inserted the following definition—
    - ““PAYE settlement agreement” has the same meaning as in section 206A of the Income and Corporation Taxes Act 1988;”;
  - (e) in the definition of “primary percentage”, for the words “section 8(1) and (2)” there shall be substituted the words “section 8(2)”.

#### Commencement Information

**I34** Sch. 7 para. 71(d) in force at 8.9.1998 for specified purposes and 6.4.1999 so far as not already in force by S.I. 1998/2209, art. 2(b)(c), **Sch. Pts. II, III**

*Status: Point in time view as at 04/03/1999.*

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- 72 (1) For subsection (1) of section 139 of that Act (awards by social fund officers) there shall be substituted the following subsection—
- “(1) Whether a payment mentioned in section 138(1)(b) above is to be awarded, and how much it is to be, shall be determined by an appropriate officer, that is to say, an officer of the Secretary of State who, acting under his authority, is exercising functions of the Secretary of State in relation to payments so mentioned.”
- (2) In subsection (2) of that section, for the words “A social fund officer” there shall be substituted the words “An appropriate officer”.
- (3) Subsection (3) of that section shall cease to have effect.
- (4) In subsection (4) of that section, for the words “that is to be repayable” there shall be substituted the words “of a crisis loan or a budgeting loan”.
- (5) In subsection (5) of that section, for the words “the social fund officer” there shall be substituted the words “the appropriate officer”.
- 73 (1) In subsection (1) of section 140 of that Act (principles of determination), for the words “a social fund officer” there shall be substituted the words “an appropriate officer”.
- (2) In subsection (2) of that section, for the words “A social fund officer” there shall be substituted the words “An appropriate officer”.
- (3) In subsection (3) of that section, for the words “a social fund officer or group of social fund officers” there shall be substituted the words “an appropriate officer or group of appropriate officers”.
- (4) In subsection (4) of that section—
- (a) for the words “a social fund officer”, in each place where they occur, there shall be substituted the words “an appropriate officer”; and
- (b) for the words “social fund officers” there shall be substituted the words “appropriate officers”.
- (5) In subsection (5) of that section—
- (a) for the words “a social fund officer” there shall be substituted the words “an appropriate officer”; and
- (b) for the words “the social fund officer nominated for his area under section 64 of the Administration Act” there shall be substituted the words “the appropriate officer nominated for his area under section 36 of the Social Security Act 1998”.
- 74 In subsection (1) of section 163 of that Act (interpretation of Part XI), in the definition of “employer”, after the words “but for” there shall be inserted the words “the condition in”.
- 75 In subsection (1) of section 171 of that Act (interpretation of Part XII), in the definition of “employer”, after the words “but for” there shall be inserted the words “the condition in”.
- 76 In subsection (2) of section 171E of that Act (incapacity for work: disqualification etc.), for the words “Part II of the Administration Act” there shall be substituted the words “Chapter II of Part I of the Social Security Act 1998”.



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- 77 (1) In the heading to Schedule 1 to that Act (supplementary provisions relating to contributions of Classes 1, 1A, 2 and 3), after “1A,” there shall be inserted “1B.”
- (2) For sub-paragraph (2) of paragraph 1 of that Schedule there shall be substituted the following sub-paragraph—
- “(2) Where earnings in respect of employments which include any contracted-out employment and any employment which is not a contracted-out employment are aggregated under sub-paragraph (1) above, then, except as may be provided by regulations—
- (a) if the aggregated earnings exceed the current lower earnings limit, the amount of the primary Class 1 contribution in respect of the aggregated earnings shall be determined in accordance with sub-paragraph (3) below; and
- (b) if the aggregated earnings exceed the current earnings threshold, the amount of the secondary Class 1 contribution in respect of the aggregated earnings shall be determined in accordance with sub-paragraph (6) below.”
- (3) In sub-paragraph (3) of that paragraph, immediately before the words “does not exceed”, in each place where they occur, there shall be inserted the words “exceeds the current lower earnings limit and”.
- (4) In sub-paragraph (6) of that paragraph—
- (a) in paragraph (a), for the words “the APPS earnings” there shall be substituted the words “such part of the APPS earnings as exceeds the earnings threshold”;
- (b) in paragraphs (b) and (c), for the words “the part of the aggregated earnings attributable to such service” there shall be substituted the words “such part of the aggregated earnings attributable to such service as exceeds the earnings threshold”; and
- (c) in paragraph (d), for the words “the remainder of the aggregated earnings” there shall be substituted the words “such part of the remainder of the aggregated earnings as exceeds the earnings threshold”.
- (5) In sub-paragraph (1) of paragraph 3 of that Schedule, for the words “his own secondary contribution” there shall be substituted the words “any secondary contribution of his own”.
- (6) For paragraph 5 of that Schedule there shall be substituted the following paragraph—

*“Class 1A contributions*

- 5 Regulations may—
- (a) make provision for calculating the amount of Class 1A contributions so as to avoid fractional amounts;
- (b) modify section 10 above in relation to cases where a car is made available by reason of two or more employed earner’s employments under different employers.”
- (7) After that paragraph there shall be inserted the following paragraph—

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*“Class 1B contributions*

- 5A Regulations may make provision for calculating the amount of Class 1B contributions so as to avoid fractional amounts.”
- (8) In sub-paragraph (1) of paragraph 6 of that Schedule, for paragraph (a) there shall be substituted the following paragraph—
- “(a) provide for Class 1, Class 1A, Class 1B or Class 2 contributions to be paid, accounted for and recovered in a similar manner to income tax in relation to which regulations under section 203 of the Income and Corporation Taxes Act 1988 (PAYE) have effect;”.
- (9) In sub-paragraph (2) of that paragraph—
- (a) for the words “or Class 1A”, in each place where they occur, there shall be substituted the words “, Class 1A or Class 1B”; and
- (b) in paragraph (b), the words “(being not less than one year after the end of the tax year in respect of which the sums are due)” shall cease to have effect.
- (10) For sub-paragraph (4) of that paragraph there shall be substituted the following paragraph—
- “(4) Where—
- (a) a decision relating to contributions falls to be made under section 8, 9, 10, 12, 14 or 15 of the Social Security Act 1998; and
- (b) the decision will affect a person’s liability for, or the amount of, any interest due in respect of those contributions,
- regulations under this paragraph shall not require any such interest to be paid until the decision has been made.”
- (11) After that sub-paragraph there shall be inserted the following sub-paragraph—
- “(4A) Regulations under this paragraph shall not require the payment of interest on a sum due in respect of a Class 1B contribution if a relevant tax appeal has been brought but not finally determined; and “a relevant tax appeal” means an appeal against a determination as to the amount of income tax in respect of which the person liable to pay the Class 1B contribution is accountable in accordance with the relevant PAYE settlement agreement.”
- (12) In sub-paragraph (11)(a) of paragraph 7 of that Schedule, for the words “and Class 1A” there shall be substituted the words “, Class 1A and Class 1B”.
- (13) For sub-paragraph (12) of that paragraph there shall be substituted the following sub-paragraph—
- “(12) A penalty under section 98A of that Act as it applies by virtue of this paragraph shall not be imposed where—
- (a) a decision relating to contributions falls to be made under section 8, 9, 10, 12, 14 or 15 of the Social Security Act 1998, and has not yet been made; and
- (b) the decision will affect a person’s liability for the penalty, or the amount of it.”
- (14) In paragraph (b) of sub-paragraph (1) of paragraph 8 of that Schedule, after the words “Class 1A” there shall be inserted the words “or Class 1B”.

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- (15) After paragraph (i) of that sub-paragraph there shall be inserted the following paragraph—
- “(ia) for the repayment, in prescribed cases, of the whole or a prescribed part of a Class 1B contribution;”.
- (16) In paragraph (l) of that sub-paragraph—
- (a) in sub-paragraph (i), after the words “Class 1A contributions” there shall be inserted the words “or a Class 1B contribution”;
- (b) in sub-paragraph (ii), after the words “Class 1 contributions” there shall be inserted the words “, a Class 1B contribution”;
- (c) after that sub-paragraph there shall be inserted the following sub-paragraph—
- “(iia) the whole or part of any payment of a Class 1B contribution to be treated as a payment of secondary Class 1 contributions, Class 1A contributions or Class 2 contributions;”; and
- (d) in sub-paragraph (iii), for the words “or Class 1A contributions” there shall be substituted the words “, Class 1A contributions or a Class 1B contribution

#### Commencement Information

**I35** Sch. 7 para. 77(6) in force at 8.9.1998 by [S.I. 1998/2209](#), art. 2(a), **Sch. Pt. I**

**I36** Sch. 7 para. 77(7)-(9)(11)(14)-(16) in force at 8.9.1998 for specified purposes and 6.4.1999 so far as not already in force by [S.I. 1998/2209](#), art. 2(b)(c), **Sch. Pts. II, III**

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

- 78 In subsection (2) of section 3 of the Administration Act (late claims for widowhood benefit where death is difficult to establish)—
- (a) for paragraph (a) there shall be substituted the following paragraph—
- “(a) in any case falling within paragraph (b)(i) of subsection (1) above, where it has been decided under section 8 of the Social Security Act 1998 that the husband has died or is presumed to have died; or”; and
- (b) for the word “determination” there shall be substituted the word “decision”.
- 79 (1) In subsection (1) of section 5 of that Act (regulations about claims for and payments of benefit)—
- (a) for paragraph (e) there shall be substituted the following paragraph—
- “(e) for any such award to be revised under section 9 of the Social Security Act 1998, or superseded under section 10 of that Act, if any of those requirements are found not to have been satisfied;”; and
- (b) paragraphs (n) and (o) shall cease to have effect.
- (2) Subsection (4) of that section shall cease to have effect.
- 80 In subsection (1) of section 6 of that Act (regulations about council tax benefit administration), paragraphs (n) and (o) shall cease to have effect.

*Status: Point in time view as at 04/03/1999.*

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- 81 (1) In subsection (2) of section 71 of that Act (overpayments: general), after the word “shall” there shall be inserted the words “in the case of the Secretary of State or a tribunal, and may in the case of a Commissioner or a court”.
- (2) In subsection (5) of that section—
- (a) in paragraph (a), for the words “revised on a review” there shall be substituted the words “has been revised under section 9 or superseded under section 10 of the Social Security Act 1998”; and
- (b) in paragraph (b), for the word “review” there shall be substituted the words “under that section”.
- (3) In subsection (5A) of that section, for the words “revised on a review” there shall be substituted the words “has been revised under section 9 or superseded under section 10 of the Social Security Act 1998”.
- 82 In subsection (1) of section 71A of that Act (recovery of jobseeker’s allowance: severe hardship cases)—
- (a) for the words “an adjudication officer”, in both places where they occur, there shall be substituted the words “the Secretary of State”; and
- (b) for the words “the Secretary of State” there shall be substituted the word “he”.
- 83 In section 116 of that Act (legal proceedings), subsection (6) shall cease to have effect.
- 84 For section 117 of that Act there shall be substituted the following section—

**“117 Issues arising in proceedings**

- (1) This section applies to proceedings before a court—
- (a) for an offence under this Act or the Jobseekers Act 1995; or
- (b) involving any question as to the payment of contributions (other than a Class 4 contribution recoverable by the Inland Revenue); or
- (c) for the recovery of any sums due to the Secretary of State or the National Insurance Fund.
- (2) A decision of the Secretary of State which—
- (a) falls within Part II of Schedule 3 to the Social Security Act 1998 (“the 1998 Act”); and
- (b) relates to or affects an issue arising in the proceedings,
- shall be conclusive for the purposes of the proceedings.
- (3) If—
- (a) any such decision is necessary for the determination of the proceedings; and
- (b) the decision of the Secretary of State has not been obtained or an application with respect to the decision has been made under section 9 or 10 of the 1998 Act,
- the decision shall be referred to the Secretary of State to be made in accordance (subject to any necessary modifications) with Chapter II of Part I of that Act.
- (4) Subsection (2) above does not apply where, in relation to the decision—

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- (a) an appeal has been brought but not determined;
  - (b) an application for leave to appeal has been made but not determined;
  - (c) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or
  - (d) an application has been made under section 9 or 10 of the 1998 Act.
- (5) In a case falling within subsection (4) above the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.”
- 85 Subsection (2) of section 119 of that Act (recovery of unpaid contributions on prosecution) shall cease to have effect.
- 86 (1) In subsection (1) of section 120 of that Act (proof of previous offences), the words “or (2)(a)” shall cease to have effect.
- (2) In subsection (3) of that section—
- (a) after the words “Class 1A” there shall be inserted the words “or Class 1B”; and
  - (b) for the words “2 years” there shall be substituted the words “6 years”.
- (3) In subsection (4) of that section—
- (a) after the words “Class 1” there shall be inserted the words “or Class 1B”; and
  - (b) for the words “2 years” there shall be substituted the words “6 years”.
- (4) After that subsection there shall be inserted the following subsection—
- “(4A) If the offence is one of failure to pay a Class 1B contribution, evidence may be given of failure on his part to pay such contributions, or any Class 1 or Class 1A contributions or contributions equivalent premiums, on the date of the offence, or during the 6 years preceding that date.”
- (5) In subsection (5) of that section—
- (a) paragraph (b) and the word “or” immediately preceding that paragraph shall cease to have effect; and
  - (b) for the words “2 years” there shall be substituted the words “6 years”.
- (6) In subsection (6) of that section, after the word “(4),” there shall be inserted the word “(4A)”.
- 87 In subsections (1) and (2) of section 121 of that Act (unpaid contributions: supplementary), the words “or (2)(a)” shall cease to have effect.
- 88 In subsection (6A) of section 123 of that Act (unauthorised disclosure of information relating to particular persons), for the words “section 54 above” there shall be substituted the words “section 19 of the Social Security Act 1998”.
- 89 In subsection (1) of section 125 of that Act (regulations as to notification of deaths), after the words “the Social Security (Recovery of Benefits) Act 1997” there shall be inserted the words “, the Social Security Act 1998”.
- 90 (1) In subsection (1) of section 143 of that Act (power to alter contributions with a view to adjusting level of National Insurance Fund), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

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- “(a) the percentage rate specified as the primary percentage in section 8(2);
- (b) the percentage rate specified as the secondary percentage in section 9(2);”.
- (2) In subsection (4) of that section, for paragraph (a) there shall be substituted the following paragraph—
- “(a) to increase for any tax year the primary percentage, or the secondary percentage, to a percentage rate more than 0.25 per cent higher than that applicable at the end of the preceding tax year;”.
- 91 In section 144 of that Act (supplementary provisions about orders under section 143), after “143”, in each place where it occurs, including the sidenote, there shall be inserted the words “or 143A”.

**Commencement Information**

**I37** Sch. 7 para. 91 in force at 8.9.1998 for specified purposes and 6.4.1999 so far as not already in force by S.I. 1998/2209, art. 2(b)(c), [Sch. Pts. II, III](#)

- 92 For subsections (1) to (3) of section 145 of that Act (power to alter primary and secondary contributions) there shall be substituted the following subsections—
- “(1) For the purpose of adjusting amounts payable by way of primary Class 1 contributions, the Secretary of State may at any time make an order altering the percentage rate specified as the primary percentage in section 8(2) of the Contributions and Benefits Act.
- (2) For the purpose of adjusting amounts payable by way of secondary Class 1 contributions, the Secretary of State may at any time make an order altering the percentage rate specified as the secondary percentage in section 9(2) of the Contributions and Benefits Act.
- (3) No order shall be made under this section so as to increase for any tax year the primary percentage, or the secondary percentage, to a percentage rate more than 0.25 per cent higher than that applicable at the end of the preceding tax year.”
- 93 Section 146 of that Act (power to alter number of secondary earnings brackets) shall cease to have effect.
- 94 In subsections (1), (2) and (3) of section 147 of that Act (orders under sections 145 and 146: supplementary), the words “or 146” shall cease to have effect.
- 95 In subsection (2) of section 159 of that Act (effect of alteration in the component rates of income support), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.
- 96 In subsection (3) of section 159A of that Act (effect of alteration of rates of a jobseeker’s allowance), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.
- 97 In subsection (2) of section 160 of that Act (implementation of increases in income support due to attainment of particular ages), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.

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- 98 In subsection (2) of section 160A of that Act (implementation of increases in income-based jobseeker's allowance due to attainment of particular ages), for the words "an adjudication officer" there shall be substituted the words "the Secretary of State".
- 99 (1) After subsection (2) of section 162 of that Act (destination of contributions) there shall be inserted the following subsection—
- “(2A) References in subsections (1) and (2) above to contributions include references to payments on account of contributions made in accordance with regulations under section 3(5) of the Contributions and Benefits Act (payments on account of directors' contributions).”
- (2) After subsection (4) of that section there shall be inserted the following subsection—
- “(4A) The sums recovered by the Secretary of State under regulations made under paragraph 7A, 7B or 7C of Schedule 1 to the Contributions and Benefits Act in respect of interest or penalties shall be paid into the National Insurance Fund.”
- (3) In subsection (5)(b) of that section, for the words "those contributions" there shall be substituted the words "primary Class 1 contributions".
- (4) In subsection (8)(b) of that section, after the words "paragraph (c)" there shall be inserted the words "or (ca)".

#### Commencement Information

**I38** Sch. 7 para. 99(1) in force at 8.9.1998 by [S.I. 1998/2209, art. 2\(a\)](#), [Sch. Pt. I](#)

**I39** Sch. 7 para. 99(4) in force at 8.9.1998 for specified purposes and 6.4.1999 so far as not already in force by [S.I. 1998/2209, art. 2\(b\)\(c\)](#), [Sch. Pts. II, III](#)

- 100 (1) In subsection (4) of section 163 of that Act (general financial arrangements), after the words "Class 1A" there shall be inserted the words "or 1B".
- (2) In subsection (5) of that section, after the words "paragraph 6", in the first place where they occur, there shall be inserted the words "or 7B".
- 101 In section 164 of that Act (destination of payments etc.), subsection (5)(a) shall cease to have effect.
- 102 (1) In subsection (1) of section 166 of that Act (financial review and report), in paragraph (d), for the words "so far as it relates" there shall be substituted the words "and Chapter II of Part I of the Social Security Act 1998 so far as they relate".
- (2) In subsection (2) of that section, in paragraph (c), for the words "so far as it relates" there shall be substituted the words "and Chapter II of Part I of the Social Security Act 1998 so far as they relate".
- 103 (1) In subsection (3)(a) of section 168 of that Act (allocations from social fund), for the words "a particular social fund officer or group of social fund officers" there shall be substituted the words "a particular appropriate officer or group of appropriate officers".
- (2) In subsection (5) of that section, for the words "social fund officers", in each place where they occur, there shall be substituted the words "appropriate officers".

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- (3) After that subsection there shall be inserted the following subsection—
- “(6) In this section “appropriate officer” means an officer of the Secretary of State who, acting under his authority, is exercising functions of the Secretary of State in relation to payments from the social fund such as are mentioned in section 138(1)(b) of the Contributions and Benefits Act.”
- 104 In subsection (5) of section 170 of that Act (the Social Security Advisory Committee)—
- (a) in the definition of “the relevant enactments”, after paragraph (ac) there shall be inserted the following paragraph—
- “(ad) the provisions of Chapter II of Part I of the Social Security Act 1998 and section 72 of that Act;”;
- (b) in the definition of “the relevant Northern Ireland enactments”, after paragraph (ac) there shall be inserted the following paragraph—
- “(ad) any provisions in Northern Ireland which correspond to provisions of Chapter II of Part I of the Social Security Act 1998 and section 72 of that Act;”.
- Commencement Information**

**140** Sch. 7 para. 104 in force at 4.3.1999 by S.I. 1999/528, art. 2(b)
- 105 In subsection (5) of section 177 of that Act (co-ordination with Northern Ireland)—
- (a) in paragraph (a), after the words “Jobseekers Act 1995” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”; and
- (b) in paragraph (b), after the words “Jobseekers Act 1995” there shall be inserted the words “, any enactment in Northern Ireland corresponding to Chapter II of Part I of the Social Security Act 1998”.
- 106 (1) In subsection (1) of section 178 of that Act (reciprocal arrangements with Northern Ireland: income-related benefits and child benefit), after the words “Jobseekers Act 1995” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.
- (2) In subsection (3) of that section, after the words “Jobseekers Act 1995”, in each place where they occur, there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.
- 107 (1) In subsection (3)(a) of section 179 of that Act (reciprocal agreements with countries outside the United Kingdom), after the words “Jobseekers Act 1995” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.
- (2) After subsection (4)(aa) of that section there shall be inserted the following paragraph—
- “(ab) to Chapter II of Part I of the Social Security Act 1998; and”.
- 108 In section 180 of that Act (payment of travelling expenses by Secretary of State)—
- (a) in paragraph (a), after the words “the Social Security (Recovery of Benefits) Act 1997” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”; and



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- (b) in paragraph (b)(i), after the words “the Social Security (Recovery of Benefits) Act 1997” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.
- 109 In section 189 of that Act (regulations and orders: general), the following shall cease to have effect, namely—
- (a) in subsection (1), the words “subsection (2) below and to”;
  - (b) subsection (2);
  - (c) in subsection (4), the words “24 or”;
  - (d) in subsection (5), the words “(other than the power conferred by section 24 above)”;
  - (e) in subsection (6), the word “24,”; and
  - (f) subsection (10).
- 110 (1) In subsection (1)(a) of section 190 of that Act (instruments containing provisions under certain provisions to be subject to the affirmative Parliamentary procedure)—
- (a) after “143,” there shall be inserted “143A,”; and
  - (b) “146,” shall cease to have effect.
- (2) Subsection (4) of that section shall cease to have effect.

#### Commencement Information

- I41** Sch. 7 para. 110(1)(a) in force at 8.9.1998 for specified purposes and 6.4.1999 so far as not already in force by [S.I. 1998/2209](#), [art. 2\(b\)\(c\)](#), [Sch. Pts. II, III](#)

- 111 In section 191 of that Act (interpretation)—
- (a) the definitions of “Commissioner”, “the disablement questions”, “5 year general qualification”, “President” and “10 year general qualification” shall cease to have effect; and
  - (b) in the definition of “claimant” (in relation to industrial injuries benefit), for the words “section 44 above” there shall be substituted the words “section 29 of the Social Security Act 1998”.
- 112 In subsection (5) of section 192 of that Act (short title, commencement and extent), the words “section 24;” shall cease to have effect.
- 113 In Part I of Schedule 4 to that Act (persons employed in social security administration or adjudication)—
- (a) the entry headed “*Adjudication officers*” shall cease to have effect;
  - (b) in the entry headed “*Adjudicating bodies*”, in paragraph (a), for the words “a social security” there shall be substituted the word “an”, and paragraphs (b) to (d) shall cease to have effect;
  - (c) in the entry headed “*The Social Fund*”, the words “A social fund officer” shall cease to have effect; and
  - (d) at the end of the entry headed “*Former officers*” there shall be inserted the words—
    - “A Chief Adjudication Officer.
    - An adjudication officer.
    - A social fund officer.

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A clerk to, or other officer or member of the staff of, the former social security appeal tribunal, the former disability appeal tribunal or the former medical appeal tribunal.”

- 114 (1) In Part I of Schedule 7 to that Act (regulations not requiring prior submission to Social Security Advisory Committee), in paragraph 3(a), for the words “section 141, 143 or 145 above” there shall be substituted the words “section 141, 143, 143A or 145 above”.
- (2) In Part II of that Schedule (regulations not requiring prior submission to Industrial Injuries Advisory Council), in paragraph 12, for the words “section 141, 143 or 150 above” there shall be substituted the words “section 141, 143, 143A or 150 above”.

**Commencement Information**

**I42** Sch. 7 para. 114 in force at 8.9.1998 for specified purposes and 6.4.1999 so far as not already in force by S.I. 1998/2209, art. 2(b)(c), **Sch. Pts. II, III**

- 115 In paragraph 1(6) of Schedule 9 to that Act (old cases payments administration), after the words “this Act” there shall be inserted the words “, Chapter II of Part I of the Social Security Act 1998”.
- 116 (1) In sub-paragraph (1) of paragraph 3 of Schedule 10 to that Act (supplementary benefit), for the words “Sections 20 to 29, 36 to 43, 51 to 61” there shall be substituted the words “Sections 8 to 18, 29 to 31 and 39 of the Social Security Act 1998”.
- (2) In sub-paragraph (2) of that paragraph, for the words “section 59 above” there shall be substituted the words “section 16 of the Social Security Act 1998”.

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

- 117 In sub-paragraph (2)(a) of paragraph 6 of Schedule 4 to the Local Government Finance Act 1992 (recovery of council tax etc. by deductions from income support or jobseeker’s allowance), for the words “appeals and reviews” there shall be substituted the words “appeals to appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 and decisions under section 9 or 10 of that Act”.

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

- 118 (1) In subsection (3) of section 6 of the Tribunals and Inquiries Act 1992 (appointment of chairmen of certain tribunals), for the words “paragraph 7, 38(a), 41(a), (b), (c) or (e) or 43” there shall be substituted the words “paragraph 7(b) or 38(a)”.
- (2) Subsection (4) of that section shall cease to have effect.
- 119 In subsection (2) of section 7 of that Act (concurrence required for removal of members of certain tribunals), for “43, 48 or 56(a)” there shall be substituted “48 or 56(a)”.
- 120 In subsection (5) of section 13 of that Act (power to apply Act to additional tribunals and to repeal or amend certain provisions)—
- (a) in paragraph (a), for “35(a) and (d)” there shall be substituted “35(d)”; and
- (b) paragraph (b) shall cease to have effect.

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- 121 (1) In paragraph 7 of Schedule 1 to that Act (tribunals under direct supervision of Council)—
- (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
    - “(a) Appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 (c. 14)”; and
  - (b) in sub-paragraph (b), for the words “that Act” there shall be substituted the words “the Child Support Act 1991 (c. 48)”.
- (2) In paragraph 41 of that Schedule—
- (a) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
    - “(a) Appeal tribunals constituted under Chapter I of Part I of the Social Security Act 1998 (c. 14)”;
  - (b) sub-paragraphs (b), (c) and (e) shall cease to have effect; and
  - (c) in sub-paragraph (d), for the words “section 52 of that Act” there shall be substituted the words “Schedule 4 to the Social Security Act 1998 (c. 14)”.

#### Commencement Information

**I43** Sch. 7 para. 121 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 122 (1) Paragraph 3 of Schedule 2 to that Act (transitory provisions) shall cease to have effect.
- (2) In paragraph 4 of that Schedule—
- (a) in sub-paragraph (a), for the words “1(a), 2(a) or 3(a)” there shall be substituted the words “1(a) or 2(a)”; and
  - (b) in sub-paragraph (b), for the words “1(b), 2(b) or 3(b)” there shall be substituted the words “1(b) or 2(b)” and for the words “1(a), 2(a) or 3(a)” there shall be substituted the words “1(a) or 2(a)”.

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

- 123 (1) In Part II of Schedule 1 to the Judicial Pensions and Retirement Act 1993 (other appointments)—
- (a) in the entry relating to the Chief or other Social Security Commissioner, for the words “section 52(2) of the Social Security Administration Act 1992” there shall be substituted the words “paragraph 1(2) of Schedule 4 to the Social Security Act 1998”; and
  - (b) for the entry relating to the President of social security appeal tribunals, medical appeal tribunals, disability appeal tribunals and child support appeal tribunals there shall be substituted the following entry—
    - “President of appeal tribunals (within the meaning of Chapter I of Part I of the Social Security Act 1998), appointed under section 5 of that Act”.
- (2) In that Part of that Schedule, the following entries shall cease to have effect, namely—
- “Chairman of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals”; and

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“Chairman of child support appeal tribunals”.

- 124 (1) In Schedule 5 to that Act (retirement provisions: the relevant offices)—
- (a) in the entry relating to the Chief or other Social Security Commissioner, for the words “section 52(2) of the Social Security Administration Act 1992” there shall be substituted the words “paragraph 1(2) of Schedule 4 to the Social Security Act 1998”; and
  - (b) for the entry relating to the President of social security appeal tribunals, medical appeal tribunals, disability appeal tribunals and child support appeal tribunals there shall be substituted the following entry—

“President of appeal tribunals (within the meaning of Chapter I of Part I of the Social Security Act 1998) appointed under section 5 of that Act”.

- (2) In that Schedule, the following entries shall cease to have effect, namely—

“Chairman of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals”;

“Chairman of child support appeal tribunals”; and

“Chairman of vaccine damage tribunals”.

- 125 In paragraph 5(5) of Schedule 7 to that Act (ascertainment of potential retirement date), sub-paragraphs (iii) and (iv) shall cease to have effect.

*Pension Schemes Act 1993 (c. 48)*

- 126 In subsection (2) of section 8 of the Pension Schemes Act 1993 (meaning of “minimum payment” etc.), for the words “section 42A(2)” there shall be substituted the words “section 42A”.

- 127 For subsections (1) and (1A) of section 41 of that Act (reduced rates of Class 1 contributions) there shall be substituted the following subsections—

“(1) Subsections (1A) to (1C) apply where—

- (a) the earnings paid to or for the benefit of an earner in any tax week are in respect of an employment which is contracted-out employment at the time of the payment, and
- (b) the earner’s service in the employment is service which qualifies him for a pension provided by a salary related contracted-out scheme;

and in subsections (1A) and (1B) “the relevant part”, in relation to those earnings, means so much of those earnings as exceeds the current lower earnings limit but not the current upper earnings limit for that week (or the prescribed equivalents if the earner is paid otherwise than weekly).

- (1A) The amount of the primary Class 1 contribution in respect of the relevant part of those earnings (“amount A”) shall be reduced by an amount equal to 1.6 per cent of that part.

- (1B) The amount of any secondary Class 1 contribution in respect of the earnings (“amount B”) shall be reduced by an amount equal to 3 per cent of the relevant part of those earnings (“amount C”).

- (1C) Where amount C exceeds amount B, the excess shall be set off against the amount which the secondary contributor is liable to pay (under paragraph 3

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- of Schedule 1 to the Social Security Contributions and Benefits Act 1992) in respect of amount A.”
- 128 For subsections (1) and (2) of section 42A of that Act (reduced rates of Class 1 contributions, and rebates) there shall be substituted the following subsections—
- “(1) Subsections (2) to (3) apply where—
- (a) the earnings paid to or for the benefit of an earner in any tax week are in respect of an employment which is contracted-out employment at the time of the payment, and
- (b) the earner’s service in the employment is service which qualifies him for a pension provided by a money purchase contracted-out scheme; and in subsections (2) and (2A) “the relevant part”, in relation to those earnings, means so much of those earnings as exceeds the current lower earnings limit but not the current upper earnings limit for that week (or the prescribed equivalents if the earner is paid otherwise than weekly).
- (2) The amount of the primary Class 1 contribution in respect of the relevant part of those earnings (“amount A”) shall be reduced by an amount equal to the appropriate flat-rate percentage of that part.
- (2A) The amount of any secondary Class 1 contribution in respect of the earnings (“amount B”) shall be reduced by an amount equal to the appropriate flat-rate percentage of the relevant part of those earnings (“amount C”).
- (2B) Where amount C exceeds amount B, the excess shall be set off against the amount which the secondary contributor is liable to pay (under paragraph 3 of Schedule 1 to the Social Security Contributions and Benefits Act 1992) in respect of amount A.”
- 129 In subsection (6)(c) of section 158 of that Act (disclosure of information between government departments etc.), for the words “sections 17 to 62 of the Social Security Administration Act 1992” there shall be substituted the words “Chapter II of Part I of the Social Security Act 1998”.
- 130 (1) In subsection (3) of section 167 of that Act (application of general provisions relating to administration of social security), for the words “Section 58 of that Act (regulations as to determination of questions and matters arising out of, or pending, reviews and appeals)” there shall be substituted the words “Section 11 of the Social Security Act 1998 (regulations with respect to decisions)”.
- (2) Subsection (4) of that section shall cease to have effect.
- 131 For section 170 of that Act there shall be substituted the following section—
- “170 Decisions and appeals**
- (1) Section 2 (use of computers) of the Social Security Act 1998 (“the 1998 Act”) applies as if, for the purposes of subsection (1) of that section, this Act were a relevant enactment.
- (2) Sections 8, 9 and 10 of the 1998 Act (decisions by the Secretary of State, revision of decisions and decisions superseding earlier decisions) apply as if, for the purposes of section 8(1)(c) of that Act, this Act were a relevant enactment.
- (3) Regulations may make provision—

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- (a) with respect to the procedure to be adopted on any application made under section 9 or 10 of the 1998 Act by virtue of subsection (2); and
  - (b) generally with respect to such applications, and revisions under section 9 and decisions under section 10,
- but may not prevent such a revision or decision being made without such an application.
- (4) Section 12 of the 1998 Act (appeal to appeal tribunal) applies as if, for the purposes of subsection (1)(b) of that section, any decision of the Secretary of State falling to be made under this Act were a decision falling within Schedule 3 to that Act.”

#### Commencement Information

**I44** Sch. 7 para. 131 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 132 (1) In subsection (1) of section 171 of that Act (questions arising in proceedings), for the words from “any such question” to “Secretary of State” there shall be substituted the words “any decision such as is mentioned in section 170(2) is made by the Secretary of State, the decision”.
- (2) For subsections (2) and (3) of that section there shall be substituted the following subsections—
- “(2) If—
- (a) any such decision is necessary for the determination of the proceedings; and
  - (b) the decision of the Secretary of State has not been obtained or an application with respect to the decision has been made under section 9 or 10 of the Social Security Act 1998,
- the decision shall be referred to the Secretary of State to be made in accordance (subject to any necessary modifications) with Chapter II of Part I of that Act.
- (3) Subsection (1) does not apply where, in relation to the decision—
- (a) an appeal has been brought but not determined;
  - (b) an application for leave to appeal has been made but not determined;
  - (c) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or
  - (d) an application has been made under section 9 or 10 of that Act.
- (4) In a case falling within subsection (3) the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.”

#### *Jobseekers Act 1995 (c. 18)*

- 133 After subsection (3) of section 2 of the Jobseekers Act (the contribution-based conditions) there shall be inserted the following subsection—
- “(3A) Where primary Class 1 contributions have been paid or treated as paid on any part of a person’s earnings, subsections (2)(b) and (3) above shall have

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- effect as if such contributions had been paid or treated as paid on so much of the earnings as did not exceed the upper earnings limit.”
- 134 (1) In subsection (6) of section 6 of that Act (availability for employment)—
- (a) the words “(“the first determination”)” shall cease to have effect; and
  - (b) for the words “on a review of the first determination” there shall be substituted the words “under section 9 or 10 of the Social Security Act 1998”.
- (2) In subsection (8) of that section, for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.
- 135 In subsection (7) of section 7 of that Act (actively seeking employment)—
- (a) the words “(“the first determination”)” shall cease to have effect; and
  - (b) for the words “on a review of the first determination” there shall be substituted the words “under section 9 or 10 of the Social Security Act 1998”.
- 136 (1) In subsection (6) of section 9 of that Act (the jobseeker’s agreement), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.
- (2) In subsection (7) of that section—
- (a) for the words “An adjudication officer to whom a reference is made under subsection (6)” there shall be substituted the words “On a reference under subsection (6) the Secretary of State”; and
  - (b) for the words “the adjudication officer” there shall be substituted the words “the Secretary of State”.
- (3) In subsection (8) of that section, for the words “an adjudication officer”, in each place where they occur, there shall be substituted the words “the Secretary of State”.
- (4) Subsection (9) of that section shall cease to have effect.
- 137 (1) In subsection (5) of section 10 of that Act (variation of jobseeker’s agreement), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.
- (2) In subsection (6) of that section, for the words “An adjudication officer to whom a reference is made under subsection (5)” there shall be substituted the words “On a reference under subsection (5) the Secretary of State”.
- (3) In subsection (7) of that section, for the words “an adjudication officer”, in each place where they occur, there shall be substituted the words “the Secretary of State”.
- (4) Subsection (8) of that section shall cease to have effect.
- 138 Section 11 of that Act (jobseeker’s agreement: reviews and appeals) shall cease to have effect.
- 139 (1) In subsection (3) of section 16 of that Act (severe hardship), for paragraph (b) there shall be substituted the following paragraph—
- “(b) it appears to him that the person concerned has, without good cause—
    - (i) neglected to avail himself of a reasonable opportunity of a place on a training scheme; or
    - (ii) after a place on such a scheme has been notified to him by an employment officer as vacant or about to become vacant,

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refused or failed to apply for it or to accept it when offered to him; or”.

- (2) For subsection (4) of that section there shall be substituted the following subsection—

“(4) In this section—

“employment officer” means an officer of the Secretary of State or such other person as may be designated for the purposes of this section by an order made by the Secretary of State;

“period” includes—

- (a) a period of a determinate length;
- (b) a period defined by reference to the happening of a future event; and
- (c) a period of a determinate length but subject to earlier determination upon the happening of a future event;

“training scheme” has such meaning as may be prescribed.”

- 140 (1) In subsection (2) of section 17 of that Act (reduced payments), for the word “either” there shall be substituted the word “any”.

- (2) In subsection (3) of that section, for paragraph (b) there shall be substituted the following paragraphs—

- “(b) he has given up a place on a training scheme, or failed to attend such a scheme on which he has been given a place, and no certificate has been issued to him under subsection (4);
- (c) he has lost his place on such a scheme through misconduct.”

- (3) For subsections (4) and (5) of that section there shall be substituted the following subsections—

“(4) Where a young person who has given up a place on a training scheme, or failed to attend such a scheme on which he has been given a place—

- (a) claims that there was good cause for his doing so; and
- (b) applies to the Secretary of State for a certificate under this subsection,

the Secretary of State shall, if he is satisfied that there was good cause, issue a certificate to that effect and give a copy of it to the young person.

(5) In this section—

“training scheme” has such meaning as may be prescribed;

“young person” means a person who has reached the age of 16 but not the age of 18.”

- 141 (1) In subsection (3) of section 19 of that Act (circumstances in which a jobseeker’s allowance is not payable), for the words “the adjudication officer” there shall be substituted the words “the Secretary of State”.

- (2) In subsection (4) of that section, for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.

- 142 In subsection (2)(b)(ii) of section 20 of that Act (exemptions from section 19), for the words “he has failed to complete a course of training” there shall be substituted the words “the condition mentioned in section 17(3)(b) or (c) is satisfied”.



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- 143 In subsections (1) and (2) of section 31 of that Act (termination of awards), for the words “an adjudication officer” there shall be substituted the words “the Secretary of State”.
- 144 In subsection (1) of section 35 of that Act (interpretation)—
- (a) the definition of “adjudication officer” shall cease to have effect; and
  - (b) in the definition of “entitled”, for the words “sections 1 and 68 of the Administration Act” there shall be substituted the words “section 1 of the Administration Act and section 27 of the Social Security Act 1998”.
- 145 In subsection (1) of section 36 of that Act (regulations and orders), for the words “9(13) or 19(10)(a)” there shall be substituted the words “9(13), 16(4) or 19(10)(a)”.
- 146 In paragraph 10(2) of Schedule 1 to that Act (supplementary provisions), for the words “section 5(1)(n) of the Administration Act” there shall be substituted the words “section 21(2) of the Social Security Act 1998”.

*Industrial Tribunals Act 1996 (c. 17)*

- 147 In subsection (5) of section 16 of the Industrial Tribunals Act 1996 (power to provide for recoupment of benefits)—
- (a) in paragraph (a), the words “adjudication officers or” shall cease to have effect; and
  - (b) for paragraph (d) there shall be substituted the following paragraphs—
    - “(cc) provide for the determination by the Secretary of State of any issue arising as to the total or partial recoupment in pursuance of the regulations of a jobseeker’s allowance, unemployment benefit or income support,
    - (d) confer on an employee a right of appeal to an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998 against any decision of the Secretary of State on any such issue, and”.

*Employment Rights Act 1996 (c. 18)*

- 148 In subsection (5) of section 215 of the Employment Rights Act 1996 (employment abroad etc.), for the words “the Social Security Administration Act 1992” there shall be substituted the words “Chapter II of Part I of the Social Security Act 1998”.

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

- 149 (1) For subsection (1) of section 10 of the Social Security (Recovery of Benefits) Act 1997 (review of certificates of recoverable benefits) there shall be substituted the following subsection—
- “(1) Any certificate of recoverable benefits may be reviewed by the Secretary of State—
    - (a) either within the prescribed period or in prescribed cases or circumstances; and
    - (b) either on an application made for the purpose or on his own initiative.”
- (2) At the end of subsection (2) of that section there shall be inserted the words “or

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(c) revoke the certificate.”

**Commencement Information**

**I45** Sch. 7 para. 149(1) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

- 150 (1) At the end of subsection (1) of section 11 of that Act (appeals against certificates of recoverable benefits) there shall be inserted the words “or
- (c) that listed benefits which have not been, and are not likely to be, paid to the injured person during the relevant period have been brought into account, or
  - (d) that the payment on the basis of which the certificate was issued is not a payment within section 1(1)(a)”.
- (2) In subsection (2) of that section, after paragraph (a) there shall be inserted the following paragraph—
- “(aa) (in a case where that certificate was issued under section 7(2)(a)) the person to whom it was so issued, or”.
- (3) Subsection (6) of that section shall cease to have effect.
- 151 (1) For subsections (1) and (2) of section 12 of that Act (reference of questions to medical appeal tribunal) there shall be substituted the following subsection—
- “(1) The Secretary of State must refer an appeal under section 11 to an appeal tribunal.”
- (2) In subsection (3) of that section, for the words “any question referred to it under subsection (1)” there shall be substituted the words “any appeal under section 11”.
- (3) In subsection (4) of that section—
- (a) for the words “a reference under subsection (1) a medical appeal tribunal” there shall be substituted the words “an appeal under section 11 an appeal tribunal”; and
  - (b) at the end there shall be inserted the words “or
    - (c) declare that the certificate of recoverable benefits is to be revoked.”
- (4) In subsection (5) of that section—
- (a) for the words “the decisions of the tribunal on the questions referred to it under subsection (1), he must in accordance with those decisions” there shall be substituted the words “the decision of the tribunal on the appeal under section 11, he must in accordance with that decision”; and
  - (b) at the end there shall be inserted the words “or
    - (c) revoke the certificate.”
- (5) The following shall cease to have effect, namely—
- (a) subsection (6) of that section;
  - (b) in subsection (7) of that section, the words “under subsection (6)(b)”;
  - (c) subsection (8) of that section.
- 152 (1) In subsection (1) of section 13 of that Act (appeal to social security Commissioner), for the words “a medical appeal tribunal” there shall be substituted the words “an appeal tribunal”.

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- (2) In subsection (2) of that section—
- (a) the word “or” at the end of paragraph (b) shall cease to have effect; and
  - (b) after that paragraph there shall be inserted the following paragraph—
    - “(bb) (in a case where that certificate was issued under section 7(2)(a)) the person to whom it was so issued, or”.
- (3) In subsection (3) of that section, for the words “Subsections (7) to (10) of section 23 of the Social Security Administration Act 1992” there shall be substituted the words “Subsections (7) to (12) of section 14 of the Social Security Act 1998”.
- (4) Subsection (4) of that section shall cease to have effect.
- 153 In section 29 of that Act (general interpretation)—
- (a) before the definition of “benefit” there shall be inserted the following definition—
    - ““appeal tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998;”;
  - (b) after the definition of “benefit” there shall be inserted the following definition—
    - ““Commissioner” has the same meaning as in Chapter II of Part I of the Social Security Act 1998 (see section 39);”.

## SCHEDULE 8

Section 86(2).

### REPEALS

#### Commencement Information

**I46** Sch. 8 in force at 8.9.1998 for specified purposes and 6.4.1999 for specified purposes by [S.I. 1998/2209](#), art. 2(a)(c)(d), [Sch. Pts. I, III](#)

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
<a href="#">1967 c. 13.</a>	Parliamentary Commissioner Act 1967.	In Schedule 4, the following entries, namely— <ul style="list-style-type: none"><li>“Tribunals constituted in Great Britain under regulations made under section 4 of the Vaccine Damage Payments Act 1979”;</li><li>“Child support appeal tribunals constituted under section 21 of the Child Support Act 1991”;</li><li>“Social security appeal tribunals constituted under section 41 of the Social</li></ul>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Security Administration Act 1992”; “Disability appeal tribunals constituted under section 43 of that Act”; and “Medical appeal tribunals constituted under section 50 of that Act”.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1, in Part III, in the entry relating to an adjudicating medical practitioner or specially qualified adjudicating medical practitioner, the words “Part II of the Social Security Administration Act 1992 or” and the following entries, namely— “Regional or other full-time chairman of a child support appeal tribunal established under section 21 of the Child Support Act 1991”; “A regional or other full-time Chairman of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals”; “Chief Adjudication Officer appointed under section 39 of the Social Security Administration Act 1992”; “Chief Child Support Officer appointed under section 13(3) of the Child Support Act 1991”; “Member of a Medical Appeal Tribunal appointed under section 50 of the Social Security Administration Act 1992”; “Member of a panel appointed under section 6 of the Tribunals and Inquiries Act 1992 of persons to act as chairmen

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		of Child Support Appeal Tribunals”; “Member of a panel appointed under section 6 of the Tribunals and Inquiries Act 1992 of persons to act as chairmen of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals”; “Member of a panel of persons who may be appointed to serve on a Vaccine Damage Tribunal”; and “President of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals”.
1979 c. 17.	Vaccine Damage Payments Act 1979.	In section 5, subsections (1) to (3) and (5).  In section 7(3), the words from “and in relation to” to the end.  Section 12(1).
1983 c. 41.	Health and Social Services and Social Security Adjudications Act 1983.	Section 25. Schedule 8.
1987 c. 18.	Debtors (Scotland) Act 1987.	In section 1(5)(f), the word “; or” after sub-paragraph (ii).  In section 5(4)(f), the word “; or” after sub-paragraph (ii).
1991 c. 48.	Child Support Act 1991.	In section 2, the words “or any child support officer”.  In section 4(4), the words “or the child support officer”.  In section 6(9), the words “or the child support officer”.  In section 7(5), the words “or the child support officer”.  Section 13.  In section 14, subsections (2) and (2A) and, in

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		subsection (3), the words “or by child support officers”.
		In section 15(1), the words “or any child support officer”.
		Section 24(1A).
		In section 28B, subsections (4) and (5).
		Section 28G(1).
		In section 46(11), in the definition of “reduced benefit direction” the words “, binding on the adjudication officer,”.
		In section 54, the definitions of “adjudication officer”, “Chief Adjudication Officer”, “Chief Child Support Officer”, “child support appeal tribunal” and “child support officer”.
		In Schedule 1, in paragraph 16(10), the words “or a child support officer”.
		In Schedule 2, paragraph 2.
		Schedule 3.
		In Schedule 4A, in paragraph 1 the definition of “review”, in paragraph 4(1) the words “a child support officer or” and paragraph 6.
		In Schedule 5, paragraph 3(3).
1992 c. 4.	Social Security Contributions and Benefits Act 1992.	In section 122(1), the definitions of “initial primary percentage” and “main primary percentage”.
		Section 139(3).
		Section 140(4)(e).
		In Schedule 1, in paragraph 6(2)(b), the words “(being not less than one year after the end of the tax year in respect of which the sums are due)”.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1992 c. 5.	Social Security Administration Act 1992.	<p>In Schedule 2, paragraph 3(1) (b) and, in paragraph 6(2), the words “or 88”.</p> <p>In Schedule 11, in paragraph 2(d), the words “(ii) she was entitled to a maternity allowance, or”.</p> <p>In section 5, in subsection (1), paragraphs (n) and (o), and subsection (4).</p> <p>In section 6(1), paragraphs (n) and (o).</p> <p>Part II.</p> <p>Section 116(6).</p> <p>In section 118(4), the words “for a particular contribution card or”, and the words “the card in question or”.</p> <p>Section 119(2).</p> <p>In section 120, in subsection (1), the words “or (2)(a)” and, in subsection (5), paragraph (b) and the word “or” immediately preceding that paragraph.</p> <p>In section 121, in subsections (1) and (2), the words “or (2)(a)”.</p> <p>Section 146.</p> <p>In section 147(1), (2) and (3), the words “or 146”.</p> <p>Section 164(5)(a).</p> <p>In section 189, in subsection (1), the words “subsection (2) below and to”, subsection (2), in subsection (4), the words “24 or”, in subsection (5), the words “(other than the power conferred by section 24 above)”, in subsection (6), the word “24,” and subsection (10).</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In section 190, in subsection (1)(a), “146,” and subsection (4).
		In section 191, the definitions of “Commissioner”, “the disablement questions”, “5 year general qualification”, “President” and “10 year general qualification”.
		In section 192(5), the words “section 24;”.
		In Schedule 4, in Part I, the entry headed “ <i>Adjudication officers</i> ”, in the entry headed “ <i>Adjudicating bodies</i> ”, paragraphs (b) to (d) and in the entry headed “ <i>The Social Fund</i> ”, the words “A social fund officer”.
1992 c. 6.	Social Security (Consequential Provisions) Act 1992.	In Schedule 4, paragraph 12.
1992 c. 7.	Social Security Contributions and Benefits (Northern Ireland) Act 1992.	In Schedule 2, paragraph 3(1)(b) and, in paragraph 6(2), the words “or 88”.
1992 c. 14.	Local Government Finance Act 1992.	In Schedule 9, paragraph 14. In Schedule 13, paragraph 94.
1992 c. 53.	Tribunals and Inquiries Act 1992.	Section 6(4). In section 13(5), paragraph (b). In Schedule 1, in paragraph 41, sub-paragraphs (b), (c) and (e). In Schedule 2, paragraph 3. In Schedule 3, paragraph 36.
1993 c. 8.	Judicial Pensions and Retirement Act 1993.	In Schedule 1, in Part II, the following entries, namely— “Chairman of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals”; and



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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<p>“Chairman of child support appeal tribunals”.</p> <p>In Schedule 5, the following entries, namely—</p> <p>“Chairman of social security appeal tribunals, medical appeal tribunals and disability appeal tribunals”;</p> <p>“Chairman of child support appeal tribunals”; and</p> <p>“Chairman of vaccine damage tribunals”.</p> <p>In Schedule 6, paragraphs 21 and 23(1).</p> <p>In Schedule 7, in paragraph 5(5), sub-paragraphs (iii) and (iv).</p> <p>In Schedule 8, paragraphs 21(1) and 23.</p>
1993 c. 48.	Pension Schemes Act 1993.	<p>Section 167(4).</p> <p>In Schedule 8, paragraphs 25, 33 and 34.</p>
1994 c. 18.	Social Security (Incapacity for Work) Act 1994.	<p>Section 6(2).</p> <p>In Schedule 1, paragraphs 11 and 46 to 48.</p>
1994 c. 40.	Deregulation and Contracting Out Act 1994.	In Schedule 16, paragraph 20(1).
1995 c. 18.	Jobseekers Act 1995.	<p>In section 6(6), the words “(“the first determination”)”.</p> <p>In section 7(7), the words “(“the first determination”)”.</p> <p>Section 9(9).</p> <p>Section 10(8).</p> <p>Section 11.</p> <p>In section 28, subsections (1) (b) and (3).</p> <p>In section 35(1), the definition of “adjudication officer”.</p>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In Schedule 2, paragraphs 20(3), 41 to 47 and 57.
1995 c. 26.	Pensions Act 1995.	Section 137(2).
		In Schedule 5, paragraph 70.
1995 c. 34.	Child Support Act 1995.	Sections 12 and 13. Section 14(1). Sections 15 and 16.
		In Schedule 3, paragraphs 3(2), 4 to 6, 7(2), 17 and 19(2).
1996 c. 17.	Industrial Tribunals Act 1996.	In section 16(5)(a), the words “adjudication officers or”.
		In Schedule 1, paragraph 7.
1996 c. 23.	Arbitration Act 1996.	In Schedule 3, paragraph 54.
1997 c. 27.	Social Security (Recovery of Benefits) Act 1997.	Section 11(6). In section 12, subsection (6), in subsection (7), the words “under subsection (6)(b)”, and subsection (8). In section 13, in subsection (2), the word “or” at the end of paragraph (b), and subsection (4).
1997 c. 47.	Social Security Administration (Fraud) Act 1997.	Sections 17 and 18. In Schedule 1, paragraph 2.
1998 c. 14.	Social Security Act 1998.	Section 83. Schedule 6.

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