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SCHEDULES

SCHEDULE 1

Sections 5(3) and 7(7).

APPEAL TRIBUNALS: SUPPLEMENTARY PROVISIONS

Tenure of office

- 1 (1) Subject to the following provisions of this paragraph, the President of appeal tribunals shall hold and vacate office in accordance with the terms of his appointment.
- (2) The President shall vacate his office on the day on which he attains the age of 70, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).
- (3) The President may be removed from office by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (4) Where the Lord Chancellor proposes to exercise a power conferred on him by subparagraph (3) above, it shall be his duty to consult the Lord Advocate with respect to the proposal.

Modifications etc. (not altering text)

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

Commencement Information

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

Remuneration etc.

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

Commencement Information

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

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

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

Commencement Information

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

- 4 (1) The Secretary of State may pay—
- (a) to any person required to attend at any proceedings under section 12 of this Act^{F1}, section 20 of the Child Support Act or paragraph 6 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000]; 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.

Textual Amendments

F1 Words in Sch. 1 para. 4(1)(a) substituted (2.7.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(c)(2), [Sch. 7 para. 22\(2\)](#) (with s. 83(6)); [S.I. 2001/1252](#), [art. 2\(2\)\(a\)\(v\)](#)

Commencement Information

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

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

Commencement Information

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

Officers and staff

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

Modifications etc. (not altering text)

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

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

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.

Modifications etc. (not altering text)

C5 Sch. 1 para. 7 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), [regs. 1\(1\), 5](#)

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

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

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

Commencement Information

I11 Sch. 1 para. 10 in force at 31.3.2000 by [S.I. 1999/3178](#), [art. 2\(3\)](#) (with [art. 4](#), [Schs. 21-23](#))

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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.

Modifications etc. (not altering text)

- C6** Sch. 1 para. 11 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), 5

Commencement Information

- I12** Sch. 1 para. 11 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)
- I13** Sch. 1 para. 11 in force at 1.6.1999 in so far as not already in force by [S.I. 1999/1510](#), [art. 2\(c\)](#) (with [arts. 48-51](#))

Delegation of certain functions of appeal tribunals

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

Modifications etc. (not altering text)

- C7** Sch. 1 para. 12 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), 5

Commencement Information

- I14** Sch. 1 para. 12 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)
- I15** Sch. 1 para. 12 in force at 1.6.1999 in so far as not already in force by [S.I. 1999/1510](#), [art. 2\(c\)](#) (with [arts. 48-51](#))

Certificates

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

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shall be conclusive evidence of the decision; and a certificate purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Commencement Information

I16 Sch. 1 para. 13 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(c\)](#) (with [arts. 48-51](#))

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.

Commencement Information

I17 Sch. 2 para. 1 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

I18 Sch. 2 para. 1 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

Christmas bonus

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

Commencement Information

I19 Sch. 2 para. 2 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

Priority between persons entitled to ^{F2}carer's allowance

Textual Amendments

F2 Words in Sch. 2 para. 3 cross-heading substituted (1.9.2002 for specified purposes, 1.4.2003 in so far as not already in force) by [The Regulatory Reform \(Carer's Allowance\) Order 2002 \(S.I. 2002/1457\)](#), [art. 1\(1\)\(b\)](#), [Sch. para. 3\(b\)](#)

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

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Commencement Information

- I20** Sch. 2 para. 3 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I21** Sch. 2 para. 3 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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.

Commencement Information

- I22** Sch. 2 para. 4 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I23** Sch. 2 para. 4 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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.

Commencement Information

- I24** Sch. 2 para. 5 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I25** Sch. 2 para. 5 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I26** Sch. 2 para. 5 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I27** Sch. 2 para. 5 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

[^{F3}Work-focused interviews

Textual Amendments

- F3** Sch. 2 para. 5A and cross-heading inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999](#) (c. 30), [s. 89\(4\)\(e\)](#), [Sch. 12 para. 87](#)

- 5A A decision terminating or reducing the amount of a person's benefit made in consequence of any decision made under regulations under section 2A [^{F4}or 2AA] of the Administration Act (work-focused interviews).]

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Textual Amendments

- F4** Words in [Sch. 2 para. 5A](#) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 7 para. 51](#); [S.I. 2003/1666](#), art. 2(b)

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); ^{F5}...
 - (ii) section 159A(1)(b) of that Act (jobseeker's allowance)^{F6}; or
 - (iii) section 159B(1)(b) of that Act (state pension credit)].

Textual Amendments

- F5** Word in [Sch. 2 para. 6\(b\)](#) repealed (6.10.2003) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 3](#); [S.I. 2003/1766](#), art. 2(a)
- F6** [Sch. 2 para. 6\(b\)\(iii\)](#) and preceding word inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 1 para. 11](#); [S.I. 2002/1691](#), art. 2(i); [S.I. 2003/1766](#), art. 2(a)

Commencement Information

- I28** [Sch. 2 para. 6\(a\)](#) in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I29** [Sch. 2 para. 6\(a\)](#) in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I30** [Sch. 2 para. 6\(a\)](#) in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))
- I31** [Sch. 2 para. 6\(a\)\(b\)\(ii\)](#) in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I32** [Sch. 2 para. 6](#) in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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.

Commencement Information

- I33** [Sch. 2 para. 7](#) in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I34** [Sch. 2 para. 7](#) in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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[^{F7}Reduction in accordance with reduced benefit decision

Textual Amendments

- F7** Sch. 2 para. 8 and cross-heading substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), [Sch. 3 para. 15\(2\)](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

- 8 A decision to reduce the amount of a person's benefit in accordance with a reduced benefit decision (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

- I35** Sch. 2 para. 9 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)
- I36** Sch. 2 para. 9 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with art. 5, Sch. 12)
- I37** Sch. 2 para. 9 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with art. 4, Sch. 14)
- I38** Sch. 2 para. 9 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with art. 3, Sch. 2)
- I39** Sch. 2 para. 9 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with art. 4, Schs. 16-18)
- I40** Sch. 2 para. 9 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, Schs. 21-23)

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

- I41** Sch. 3 para. 1 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch.](#)
- I42** Sch. 3 para. 1 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with art. 5, Sch. 12)

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- I43** Sch. 3 para. 1 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I44** Sch. 3 para. 1 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I45** Sch. 3 para. 1 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I46** Sch. 3 para. 1 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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

Commencement Information

- I47** Sch. 3 para. 2 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I48** Sch. 3 para. 2 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I49** Sch. 3 para. 2 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I50** Sch. 3 para. 2 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I51** Sch. 3 para. 2 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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)^{F8}; ^{F9}...
 - (e) section 62 or 63 of the Child Support, Pensions and Social Security Act 2000^{F10}; or
 - (f) section 7, 8 or 9 of the Social Security Fraud Act 2001].

Textual Amendments

- F8** Sch. 3 para. 3(e) and preceding word inserted (15.10.2001 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), ss. 66, 86(1)(c)(2) (with s. 83(6)); S.I. 2001/2619, art. 2(1)(b)(v)(2)
- F9** Word in Sch. 3 para. 3(d) repealed (30.4.2002) by Social Security Fraud Act 2001 (c. 11), s. 20(1), **Sch.**; S.I. 2002/1222, art. 2(i)
- F10** Sch. 3 para. 3(f) and preceding word inserted (1.4.2002) by Social Security Fraud Act 2001 (c. 11), ss. 12(2), 20(1); S.I. 2001/3689, art. 2(2)

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- I52** Sch. 3 para. 3(a)(c) in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), **Sch. 1** (with [art. 5](#), [Sch. 12](#))
- I53** Sch. 3 para. 3(a)(c) in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), **Sch. 1** (with [art. 4](#), [Sch. 14](#))
- I54** Sch. 3 para. 3(a)(c) in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), [art. 2](#), **Sch. 1** (with [art. 3](#), [Sch. 2](#))
- I55** Sch. 3 para. 3 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), **Sch. 1** (with [art. 4](#), [Schs. 16-18](#))
- I56** Sch. 3 para. 3 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), **Sch. 1** (with [art. 4](#), [Schs. 21-23](#))

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

- I57** Sch. 3 para. 4 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), **Sch. 1**
- I58** Sch. 3 para. 4 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), **Sch. 1** (with [art. 5](#), [Sch. 12](#))
- I59** Sch. 3 para. 4 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), **Sch. 1** (with [art. 4](#), [Sch. 14](#))
- I60** Sch. 3 para. 4 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), [art. 2](#), **Sch. 1** (with [art. 3](#), [Sch. 2](#))
- I61** Sch. 3 para. 4 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), **Sch. 1** (with [art. 4](#), [Schs. 16-18](#))
- I62** Sch. 3 para. 4 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), **Sch. 1** (with [art. 4](#), [Schs. 21-23](#))

Recovery of benefits

- 5 A decision whether payment is recoverable under section 71 or 71A of the Administration Act.

Commencement Information

- I63** Sch. 3 para. 5 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), **Sch. 1** (with [art. 5](#), [Sch. 12](#))
- I64** Sch. 3 para. 5 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), **Sch. 1** (with [art. 4](#), [Sch. 14](#))
- I65** Sch. 3 para. 5 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), [art. 2](#), **Sch. 1** (with [art. 3](#), [Sch. 2](#))
- I66** Sch. 3 para. 5 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), **Sch. 1** (with [art. 4](#), [Schs. 16-18](#))
- I67** Sch. 3 para. 5 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), **Sch. 1** (with [art. 4](#), [Schs. 21-23](#))

Status: Point in time view as at 25/02/2005.

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6 If so, a decision as to the amount of payment recoverable.

Commencement Information

- I68** Sch. 3 para. 6 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I69** Sch. 3 para. 6 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I70** Sch. 3 para. 6 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I71** Sch. 3 para. 6 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I72** Sch. 3 para. 6 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

Industrial injuries benefit

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

Commencement Information

- I73** Sch. 3 para. 7 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I74** Sch. 3 para. 7 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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.

Commencement Information

- I75** Sch. 3 para. 8 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I76** Sch. 3 para. 8 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

F¹¹ State pension credit

Textual Amendments

- F11** Sch. 3 paras. 8A-8D and cross-heading inserted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 1 para. 12**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)

Status: Point in time view as at 25/02/2005.

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- 8A A decision whether to specify a period as an assessed income period under section 6 of the State Pension Credit Act 2002.
- 8B If so, a decision as to the period to be so specified.
- 8C A decision whether an assessed income period comes to an end by virtue of section 9(4) or (5) of that Act.
- 8D If so, a decision as to when the assessed income period so ends.]

Power to prescribe other decisions

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

Commencement Information

- I77** Sch. 3 para. 9 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)
- I78** Sch. 3 para. 9 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I79** Sch. 3 para. 6 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I80** Sch. 3 para. 9 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), [art. 2](#), [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))
- I81** Sch. 3 para. 9 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I82** Sch. 3 para. 9 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

PART II

CONTRIBUTIONS DECISIONS

Categorisation of earners

F12₁₀

Textual Amendments

- F12** Sch. 3 paras. 10-15 repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), [s. 28\(3\)](#), [Sch. 7 para. 36](#), [Sch. 10 Pt. I](#) (with [Sch. 8](#)); [S.I. 1999/527](#), [art. 2\(b\)](#), [Sch. 2](#) (with [arts. 3-6](#))

F12₁₁

Textual Amendments

- F12** Sch. 3 paras. 10-15 repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), [s. 28\(3\)](#), [Sch. 7 para. 36](#), [Sch. 10 Pt. I](#) (with [Sch. 8](#)); [S.I. 1999/527](#), [art. 2\(b\)](#), [Sch. 2](#) (with [arts. 3-6](#))

Status: Point in time view as at 25/02/2005.

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Compulsory contributions

F12₁₂

Textual Amendments

F12 Sch. 3 paras. 10-15 repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

F12₁₃

Textual Amendments

F12 Sch. 3 paras. 10-15 repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

Voluntary contributions

F12₁₄

Textual Amendments

F12 Sch. 3 paras. 10-15 repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

F12₁₅

Textual Amendments

F12 Sch. 3 paras. 10-15 repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

Responsibilities at home

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

Commencement Information

I83 Sch. 3 para. 16 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

I84 Sch. 3 para. 16 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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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.

Commencement Information

- I85** Sch. 3 para. 17 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I86** Sch. 3 para. 17 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

Statutory sick pay

F13¹⁸

Textual Amendments

- F13** Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, [Sch. 10 Pt. I](#) (with Sch. 8); [S.I. 1999/527](#), [art. 2\(b\)](#), [Sch. 2](#) (with arts. 3-6); [S.I. 1999/1662](#), [art. 2\(b\)](#), [Sch. Pt. 2](#) (with [art. 4](#))

F13¹⁹

Textual Amendments

- F13** Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, [Sch. 10 Pt. I](#) (with Sch. 8); [S.I. 1999/527](#), [art. 2\(b\)](#), [Sch. 2](#) (with arts. 3-6); [S.I. 1999/1662](#), [art. 2\(b\)](#), [Sch. Pt. 2](#) (with [art. 4](#))

Statutory maternity pay

F13²⁰

Textual Amendments

- F13** Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, [Sch. 10 Pt. I](#) (with Sch. 8); [S.I. 1999/527](#), [art. 2\(b\)](#), [Sch. 2](#) (with arts. 3-6); [S.I. 1999/1662](#), [art. 2\(b\)](#), [Sch. Pt. 2](#) (with [art. 4](#))

F13²¹

Textual Amendments

- F13** Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#),

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s. 28(3), Sch. 7 para. 36, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

Liability of directors etc. for company's contributions

F1322

Textual Amendments

F13 Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

Preserved rights to benefit etc.

F1323

Textual Amendments

F13 Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

Employment of long-term unemployed

F1324

Textual Amendments

F13 Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

Interest and penalties

F1325

Textual Amendments

F13 Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), Sch. 7 para. 36, **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

F1326

Status: Point in time view as at 25/02/2005.

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Textual Amendments

F13 Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 7 para. 36, Sch. 10 Pt. I](#) (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

F1327

Textual Amendments

F13 Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 7 para. 36, Sch. 10 Pt. I](#) (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

F1328

Textual Amendments

F13 Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 7 para. 36, Sch. 10 Pt. I](#) (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

Power to prescribe other decisions

F1329

Textual Amendments

F13 Sch. 3 paras. 18-29 repealed (1.4.1999 except in respect of the repeal of Sch. 3 para. 23, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 7 para. 36, Sch. 10 Pt. I](#) (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6); S.I. 1999/1662, art. 2(b), Sch. Pt. 2 (with art. 4)

SCHEDULE 4

Section 14(12).

SOCIAL SECURITY COMMISSIONERS

Modifications etc. (not altering text)

C8 Sch. 4 applied (with modifications) by [Pension Schemes Act 1993 \(c. 48\), s. 170\(7\)](#) (as substituted (14.6.1999 for specified purposes, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), ss. 16\(2\), 28\(3\)](#) (with Sch. 8); S.I. 1999/1662, art 2, Sch. (with art. 4))

Status: Point in time view as at 25/02/2005.

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- C9** Sch. 4 applied (temp.) (17.12.2002) by [The Tax Credits \(Appeals\) Regulations 2002 \(S.I. 2002/2926\)](#), regs. 1(1)(2), 7 (as amended (16.3.2004) by [S.I. 2004/372](#), art. 1, reg. 2)
- C10** Sch. 4 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), 9

Appointment

- 1 (1) Her Majesty may from time to time appoint, from among persons who 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.

Commencement Information

- I87** Sch. 4 para. 1 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I88** Sch. 4 para. 1 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I89** Sch. 4 para. 1 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))
- I90** Sch. 4 para. 1 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I91** Sch. 4 para. 1 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

Remuneration etc.

- 2 The Lord Chancellor shall pay to a Commissioner such salary or other remuneration, and such expenses incurred in connection with the work of a Commissioner or any tribunal presided over by a Commissioner, as he may determine.

Commencement Information

- I92** Sch. 4 para. 2 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

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- I93** Sch. 4 para. 2 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I94** Sch. 4 para. 2 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I95** Sch. 4 para. 2 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I96** Sch. 4 para. 2 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

3 (1) The Lord Chancellor or, in Scotland, the Secretary of State may pay to any person who attends any proceedings under section 14 of this Act [^{F14}or under paragraph 8 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000] such travelling and other allowances as he may determine.

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

Textual Amendments

- F14** Words in Sch. 4 para. 3(1) inserted (2.7.2001) by [Child Support, Pensions and Social Security Act 2000](#) (c. 19), s. 86(1)(c)(2), **Sch. 7 para. 22(3)** (with s. 83(6)); [S.I. 2001/1252](#), art. 2(2)(a)(v)

Commencement Information

- I97** Sch. 4 para. 3 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I98** Sch. 4 para. 3 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I99** Sch. 4 para. 3 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I100** Sch. 4 para. 3 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I101** Sch. 4 para. 3 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

Tenure of office

4 (1) Commissioners shall vacate their offices on the day on which they attain the age of 70, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).

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

Commencement Information

- I102** Sch. 4 para. 4 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I103** Sch. 4 para. 4 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I104** Sch. 4 para. 4 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, **Sch. 1** (with art. 3, Sch. 2)

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- I105** Sch. 4 para. 4 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I106** Sch. 4 para. 4 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 5 (1) A Commissioner may be removed from office by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (2) Nothing in sub-paragraph (1) above applies to a Commissioner appointed before 23rd May 1980.

Commencement Information

- I107** Sch. 4 para. 5 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I108** Sch. 4 para. 5 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I109** Sch. 4 para. 5 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I110** Sch. 4 para. 5 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I111** Sch. 4 para. 5 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

Delegation of functions

- 6 The Lord Chancellor may by regulations provide—
- (a) for officers authorised by the Lord Chancellor or, in Scotland, by the Secretary of State to make any determinations which fall to be made by Commissioners;
 - (b) for the procedure to be followed by such officers in making such determinations;
 - (c) for the manner in which such determinations by such officers may be called in question.

Commencement Information

- I112** Sch. 4 para. 6 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch. 1**
- I113** Sch. 4 para. 6 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I114** Sch. 4 para. 6 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I115** Sch. 4 para. 6 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I116** Sch. 4 para. 6 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I117** Sch. 4 para. 6 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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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.

Commencement Information

- I118** Sch. 4 para. 7 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I119** Sch. 4 para. 7 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I120** Sch. 4 para. 7 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I121** Sch. 4 para. 7 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I122** Sch. 4 para. 7 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

Supplemental

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

Modifications etc. (not altering text)

- C11** Sch. 4 para. 8 functions of Lord Advocate transferred (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\)](#), arts. 1, 2(1), **Sch.**
- C12** Sch. 4 para. 8 functions treated as exercisable in or as regards Scotland (30.6.1999) by [The Scotland Act 1998 \(Functions Exercisable in or as Regards Scotland\) Order 1999 \(S.I. 1999/1748\)](#), arts. 1, 3, **Sch. 1 para. 19**
- C13** Sch. 4 para. 8 functions transferred in relation to Scotland (1.7.1999) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 1999 \(S.I. 1999/1750\)](#), arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, art. 3

Commencement Information

- I123** Sch. 4 para. 8 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**
- I124** Sch. 4 para. 8 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I125** Sch. 4 para. 8 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I126** Sch. 4 para. 8 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I127** Sch. 4 para. 8 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I128** Sch. 4 para. 8 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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SCHEDULE 5

Section 16(1).

REGULATIONS AS TO PROCEDURE: PROVISION WHICH MAY BE MADE

Modifications etc. (not altering text)

- C14** Sch. 5 applied (with modifications) by [Pension Schemes Act 1993 \(c. 48\), s. 170\(7\)](#) (as substituted (14.6.1999 for specified purposes, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), ss. 16\(2\), 28\(3\)](#) (with Sch. 8); S.I. 1999/1662, art 2, Sch. (with art. 4))
- C15** Sch. 5 applied (with modifications) (temp.) (17.12.2002) by [The Tax Credits \(Appeals\) Regulations 2002 \(S.I. 2002/2926\), regs. 1\(1\)\(2\), 9](#)
- C16** Sch. 5 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\), regs. 1\(1\), 11](#)

- 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

- I129** Sch. 5 para. 1 in force at 4.3.1999 for specified purposes by [S.I. 1999/528, art. 2\(a\), Sch.](#)
- I130** Sch. 5 para. 1 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958, art. 2\(1\)\(b\), Sch. 1](#) (with art. 5, Sch. 12)
- I131** Sch. 5 para. 1 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422, art. 2\(c\), Sch. 1](#) (with art. 4, Sch. 14)
- I132** Sch. 5 para. 1 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739, art. 2, Sch. 1](#) (with art. 3, Sch. 2)
- I133** Sch. 5 para. 1 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860, art. 2\(c\), Sch. 1](#) (with art. 4, Schs. 16-18)
- I134** Sch. 5 para. 1 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178, art. 2\(1\)\(a\)\(2\), Sch. 1](#) (with art. 4, Schs. 21-23)

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

Commencement Information

- I135** Sch. 5 para. 2 in force at 4.3.1999 for specified purposes by [S.I. 1999/528, art. 2\(a\), Sch.](#)
- I136** Sch. 5 para. 2 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958, art. 2\(1\)\(b\), Sch. 1](#) (with art. 5, Sch. 12)
- I137** Sch. 5 para. 2 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422, art. 2\(c\), Sch. 1](#) (with art. 4, Sch. 14)
- I138** Sch. 5 para. 2 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739, art. 2, Sch. 1](#) (with art. 3, Sch. 2)
- I139** Sch. 5 para. 2 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860, art. 2\(c\), Sch. 1](#) (with art. 4, Schs. 16-18)
- I140** Sch. 5 para. 2 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178, art. 2\(1\)\(a\)\(2\), Sch. 1](#) (with art. 4, Schs. 21-23)

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- 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

- I141** Sch. 5 para. 3 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**
- I142** Sch. 5 para. 3 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I143** Sch. 5 para. 3 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I144** Sch. 5 para. 3 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I145** Sch. 5 para. 3 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I146** Sch. 5 para. 3 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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

- I147** Sch. 5 para. 4 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**
- I148** Sch. 5 para. 4 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I149** Sch. 5 para. 4 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I150** Sch. 5 para. 4 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I151** Sch. 5 para. 4 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I152** Sch. 5 para. 4 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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

Commencement Information

- I153** Sch. 5 para. 5 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch.**
- I154** Sch. 5 para. 5 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I155** Sch. 5 para. 5 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I156** Sch. 5 para. 5 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I157** Sch. 5 para. 5 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

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I158 Sch. 5 para. 5 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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

Commencement Information

- I159** Sch. 5 para. 6 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch. 1](#)
I160 Sch. 5 para. 6 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
I161 Sch. 5 para. 6 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
I162 Sch. 5 para. 6 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))
I163 Sch. 5 para. 6 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
I164 Sch. 5 para. 6 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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.

Commencement Information

- I165** Sch. 5 para. 7 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch. 1](#)
I166 Sch. 5 para. 7 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
I167 Sch. 5 para. 7 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
I168 Sch. 5 para. 7 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))
I169 Sch. 5 para. 7 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
I170 Sch. 5 para. 7 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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

- I171** Sch. 5 para. 8 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), [Sch. 1](#)
I172 Sch. 5 para. 8 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
I173 Sch. 5 para. 8 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
I174 Sch. 5 para. 8 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))

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- I175** Sch. 5 para. 8 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I176** Sch. 5 para. 8 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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

- I177** Sch. 5 para. 9 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch. 1**
- I178** Sch. 5 para. 9 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I179** Sch. 5 para. 9 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I180** Sch. 5 para. 9 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I181** Sch. 5 para. 9 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I182** Sch. 5 para. 9 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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—

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“(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—

- (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,

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in subsection (4), for the words “(7) to (10) of section 23” there were substituted the words “(6A) to (10) of section 23”.

(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

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- determination relates misrepresented, or failed to disclose, any material fact; and”;
- (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”.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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”.

Commencement Information

I183 Sch. 7 para. 1 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(i\)](#) (with [arts. 48-51](#))

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”.

Commencement Information

I184 Sch. 7 para. 2 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(i\)](#) (with [arts. 48-51](#))

Status: Point in time view as at 25/02/2005.

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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”;
 - “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

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“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”.

Commencement Information

- I185** Sch. 7 para. 4(1)(2) in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))
- I186** Sch. 7 para. 4(2) in force at 1.6.1999 for specified purposes by [S.I. 1999/1510](#), [art. 2\(g\)\(ii\)](#) (with [arts. 48-51](#))
- I187** Sch. 7 para. 4(2) in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I188** Sch. 7 para. 4(3) in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(iii\)](#) (with [arts. 48-51](#))

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”.

Commencement Information

- I189** Sch. 7 para. 5 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

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.

Commencement Information

- I190** Sch. 7 para. 6 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

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”.

Status: Point in time view as at 25/02/2005.

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Commencement Information

I191 Sch. 7 para. 7 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

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

I192 Sch. 7 para. 8 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

I193 Sch. 7 para. 8 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

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

I194 Sch. 7 para. 9 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

I195 Sch. 7 para. 9 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

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

Commencement Information

I196 Sch. 7 para. 10 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

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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”.

Commencement Information

- I197** Sch. 7 para. 11 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I198** Sch. 7 para. 11 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I199** Sch. 7 para. 11 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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.”

Commencement Information

- I200** Sch. 7 para. 12 in force at 6.4.1999 by [S.I. 1999/526](#), [art. 2\(3\)\(4\)\(b\)](#)

- 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;”.

Commencement Information

- I201** Sch. 7 para. 13 in force at 6.4.1999 by [S.I. 1999/526](#), [art. 2\(3\)\(4\)\(b\)](#)

- 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;”.

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Commencement Information

I202 Sch. 7 para. 14 in force at 6.4.1999 by S.I. 1999/526, art. 2(3)(4)(b)

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 subparagraph (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”.

Commencement Information

I203 Sch. 7 para. 15 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), Sch. 1 (with art. 4, Schs. 16-18)

I204 Sch. 7 para. 15 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), Sch. 1 (with art. 4, Schs. 21-23)

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”;^{F15} ...
- ^{F15}(b)

Textual Amendments

F15 Sch. 7 para. 16(b) and preceding word repealed (6.4.2000) by Welfare Reform and Pensions Act 1999 (c. 30), s. 89(3)(c), Sch. 13 Pt. VI; S.I. 1999/3420, art. 4(c)(e)

Commencement Information

I205 Sch. 7 para. 16 in force at 6.4.1999 by S.I. 1999/418, art. 2(2)(3)(a)

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”.

Commencement Information

I206 Sch. 7 para. 17 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), Sch. 1 (with art. 4, Schs. 16-18)

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- I207** Sch. 7 para. 17 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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.

Commencement Information

- I208** Sch. 7 para. 18 in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(iii) (with arts. 48-51)

- 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.

Commencement Information

- I209** Sch. 7 para. 19 in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(iii) (with arts. 48-51)

- ^{F16}20

Textual Amendments

- F16** Sch. 7 para. 20 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), **Sch. 9 Pt. I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

- 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.

Commencement Information

- I210** Sch. 7 para. 21 in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(iii) (with arts. 48-51)

- 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”.

Commencement Information

- I211** Sch. 7 para. 22 in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(iii) (with arts. 48-51)

- 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”.

Status: Point in time view as at 25/02/2005.

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Commencement Information

I212 Sch. 7 para. 23 in force at 1.6.1999 by S.I. 1999/1510, **art. 2(g)(iii)** (with arts. 48-51)

^{F17}24

Textual Amendments

F17 Sch. 7 para. 24 repealed (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(e)(2), **Sch. 9 Pt. I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

^{F18}25

Textual Amendments

F18 Sch. 7 para. 25 repealed (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(e)(2), **Sch. 9 Pt. I** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

26 Section 13 of that Act (child support officers) shall cease to have effect.

Commencement Information

I213 Sch. 7 para. 26 in force at 1.6.1999 by S.I. 1999/1510, **art. 2(g)(iii)** (with arts. 48-51)

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

I214 Sch. 7 para. 27(a) in force at 8.9.1998 by S.I. 1998/2209, art. 2(a), **Sch. Pt. I**

I215 Sch. 7 para. 27 in force at 1.6.1999 in so far as not already in force by S.I. 1999/1510, **art. 2(g)(iii)** (with arts. 48-51)

^{F19}28

Textual Amendments

F19 Sch. 7 para. 28 repealed (2.4.2001) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(e)(2), **Sch. 9 Pt. I** (with s. 83(6)); S.I. 2001/1252, art. 2(1)(d)(ii)

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”.

Status: Point in time view as at 25/02/2005.

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Commencement Information

I216 Sch. 7 para. 29 in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(iii) (with arts. 48-51)

- 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”.

Commencement Information

I217 Sch. 7 para. 30 in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(iii) (with arts. 48-51)

- 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”.
- (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”.

Commencement Information

I218 Sch. 7 para. 31 in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(iii) (with arts. 48-51)

Status: Point in time view as at 25/02/2005.

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F20 32

Textual Amendments

F20 Sch. 7 para. 32 repealed (1.4.2001) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. IX](#) (with s. 83(6)); S.I. 2001/774, art. 2(d)

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”.

Commencement Information

I219 Sch. 7 para. 33 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(iii\)](#) (with arts. 48-51)

F21 34

Textual Amendments

F21 Sch. 7 para. 34 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

F22 35

Textual Amendments

F22 Sch. 7 para. 35 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

36 In subsections ^{F23}... (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”.

Textual Amendments

F23 Words in [Sch. 7 para. 36](#) repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

Commencement Information

I220 Sch. 7 para. 36 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(iii\)](#) (with arts. 48-51)

F24 37

Textual Amendments

F24 Sch. 7 para. 37 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

F25 38

Status: Point in time view as at 25/02/2005.

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Textual Amendments

F25 Sch. 7 para. 38 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

^{F26}39

Textual Amendments

F26 Sch. 7 para. 39 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

^{F27}40

Textual Amendments

F27 Sch. 7 para. 40 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, 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”.

Commencement Information

I221 Sch. 7 para. 41 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(iii\)](#) (with arts. 48-51)

- 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”.

Commencement Information

I222 Sch. 7 para. 42 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(iii\)](#) (with arts. 48-51)

^{F28}43

Textual Amendments

F28 Sch. 7 para. 43 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

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

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“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.
- (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

I223 Sch. 7 para. 44 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

I224 Sch. 7 para. 44 in force at 1.6.1999 in so far as not already in force by [S.I. 1999/1510](#), [art. 2\(g\)\(iii\)](#) (with [arts. 48-51](#))

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”.

Commencement Information

I225 Sch. 7 para. 45 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(iii\)](#) (with [arts. 48-51](#))

^{F29}46

Textual Amendments

F29 [Sch. 7 para. 46](#) repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [s. 86\(1\)\(e\)\(2\)](#), [Sch. 9 Pt. I](#) (with [s. 83\(6\)](#)); [S.I. 2003/192](#), [art. 3](#), [Sch.](#)

47 In section 54 of that Act (interpretation)—

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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;”;
- (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.

Commencement Information

I226 Sch. 7 para. 47 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

I227 Sch. 7 para. 47(a) in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(iv\)](#) (with [arts. 48-51](#))

I228 Sch. 7 para. 47(b) in force at 1.6.1999 for specified purposes by [S.I. 1999/1510](#), [art. 2\(g\)\(iv\)](#) (with [arts. 48-51](#))

- 48 ^{F30}(1)
- ^{F30}(2)
- ^{F30}(3)

- (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)—
 - ^{F31}(a)
 - ^{F31}(b)
 - ^{F31}(c)
 - (d) in sub-paragraph (10), the words “or a child support officer” shall cease to have effect.

Textual Amendments

F30 Sch. 7 para. 48(1)(2)(3) repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); [S.I. 2003/192](#), [art. 3](#), [Sch.](#)

F31 Sch. 7 para. 48(5)(a)(b)(c) repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); [S.I. 2003/192](#), [art. 3](#), [Sch.](#)

Commencement Information

I229 Sch. 7 para. 48 in force at 1.6.1999 by [S.I. 1999/1510](#), [art. 2\(g\)\(v\)](#) (with [arts. 48-51](#))

- 49 Paragraph 2 of Schedule 2 to that Act (local authority records) shall cease to have effect.

Commencement Information

I230 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.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I231 Sch. 7 para. 50 in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(v) (with arts. 48-51)

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.”

Commencement Information

I232 Sch. 7 para. 51 in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(v) (with arts. 48-51)

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.”;

(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

I233 Sch. 7 para. 52 in force at 1.6.1999 in so far as not already in force by S.I. 1999/1510, art. 2(g)(v) (with arts. 48-51)

I234 Sch. 7 para. 52(4) in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), Sch.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F32 Sch. 7 para. 53 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

F33 54

Textual Amendments

F33 Sch. 7 para. 54 repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), [Sch. 9 Pt. I](#) (with s. 83(6)); S.I. 2003/192, art. 3, 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”.

Commencement Information

I235 Sch. 7 para. 55 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with art. 4, [Schs. 16-18](#))
I236 Sch. 7 para. 55 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))

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

I237 Sch. 7 para. 56 in force at 8.9.1998 for specified purposes and 6.4.1999 in so far as not already in force by [S.I. 1998/2209](#), art. 2(b)(c), [Sch. Pts. II, III](#)

F34 57

Status: Point in time view as at 25/02/2005.

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Textual Amendments

F34 Sch. 7 para. 57 repealed (6.4.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(3)(c), [Sch. 13 Pt. VI](#); [S.I. 1999/3420](#), art. 4(c)(e)

^{F35}58

Textual Amendments

F35 Sch. 7 para. 58 repealed (with effect in accordance with Sch. 9 Pt. 8(1) Note 1 of the amending Act) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(2), [Sch. 9 Pt. VIII\(1\)](#) (with s. 83(6))

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.”

Commencement Information

I238 Sch. 7 para. 59 in force at 6.4.1999 by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(a\)](#)

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.”

Commencement Information

I239 Sch. 7 para. 60 in force at 6.4.1999 by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(a\)](#)

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”.

Commencement Information

I240 Sch. 7 para. 61 in force at 6.4.1999 by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(a\)](#)

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 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”.

Commencement Information

I241 Sch. 7 para. 62 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))

- 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,”.

Commencement Information

I242 Sch. 7 para. 63 in force at 5.7.1999 (immediately before the coming into force of Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Sch. 7 para. 4) for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)\(2\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

- 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”.

Commencement Information

I243 Sch. 7 para. 64 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

- 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
 - (d) after the words “section 1” there shall be inserted the words “of that Act”.

Commencement Information

I244 Sch. 7 para. 65 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

- 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”.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I245** Sch. 7 para. 66 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I246** Sch. 7 para. 66 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I247** Sch. 7 para. 66 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I248** Sch. 7 para. 66 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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".

Commencement Information

- I249** Sch. 7 para. 67 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I250** Sch. 7 para. 67 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I251** Sch. 7 para. 67 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I252** Sch. 7 para. 67 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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".

Commencement Information

- I253** Sch. 7 para. 68 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I254** Sch. 7 para. 68 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I255** Sch. 7 para. 68 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I256** Sch. 7 para. 68 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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".

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I257** Sch. 7 para. 69 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I258** Sch. 7 para. 69 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I259** Sch. 7 para. 69 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I260** Sch. 7 para. 69 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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”.

Commencement Information

- I261** Sch. 7 para. 70 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I262** Sch. 7 para. 70 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I263** Sch. 7 para. 70 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I264** Sch. 7 para. 70 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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;”;

^{F36}(e)

Status: Point in time view as at 25/02/2005.

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Textual Amendments

- F36** Sch. 7 para. 71(e) repealed (with effect in relation to the tax year 2003-04 and subsequent tax years in accordance with s. 8(2) of the amending Act) by [National Insurance Contributions Act 2002 \(c. 19\)](#), [Sch. 2](#)

Commencement Information

- I265** Sch. 7 para. 71 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))
- I266** Sch. 7 para. 71 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))
- I267** Sch. 7 para. 71(a) in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))
- I268** Sch. 7 para. 71(a) in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))
- I269** Sch. 7 para. 71(b)(c)(e) in force at 6.4.1999 by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(a\)](#)
- I270** Sch. 7 para. 71(d) in force at 8.9.1998 for specified purposes and 6.4.1999 in so far as not already in force by [S.I. 1998/2209](#), [art. 2\(b\)\(c\)](#), [Sch. Pts. II, III](#)

- 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”.

Commencement Information

- I271** Sch. 7 para. 72 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))
- I272** Sch. 7 para. 72(3)(4) in force at 5.4.1999 by [S.I. 1999/1055](#), [art. 2\(b\)](#) (with [art. 3](#))

- 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”.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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”.

Commencement Information

I273 Sch. 7 para. 73 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

- 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”.

Commencement Information

I274 Sch. 7 para. 74 in force at 6.4.1999 by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(a\)](#)

- 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”.

Commencement Information

I275 Sch. 7 para. 75 in force at 6.4.1999 by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(a\)](#)

- 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”.

Commencement Information

I276 Sch. 7 para. 76 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))

- 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,”.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(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—

“Class 1B contributions

5A Regulations may make provision for calculating the amount of Class 1B contributions so as to avoid fractional amounts.”

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(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.

^{F37}(10)

(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”.

^{F38}(13)

(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”.

(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”.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F37** Sch. 7 para. 77(10) repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- F38** Sch. 7 para. 77(13) repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 10 Pt. I** (with Sch. 8); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

Commencement Information

- I277** Sch. 7 para. 77(1) in force at 6.4.1999 by S.I. 1998/2209, art. 2(c), **Sch. Pt. III**
- I278** Sch. 7 para. 77(2)-(5) in force at 6.4.1999 by S.I. 1999/418, **art. 2(2)(3)(a)**
- I279** Sch. 7 para. 77(6) in force at 8.9.1998 by S.I. 1998/2209, art. 2(a), **Sch. Pt. I**
- I280** Sch. 7 para. 77(7)-(9)(11)(14)-(16) in force at 8.9.1998 for specified purposes and 6.4.1999 in so far as not already in force by S.I. 1998/2209, art. 2(b)(c), **Sch. Pts. II, III**
- I281** Sch. 7 para. 77(12) in force at 6.4.1999 by S.I. 1998/2209, art. 2(c), **Sch. Pt. III**

Social Security Administration Act 1992 (c. 5)

F3978

Textual Amendments

- F39** Sch. 7 para. 78 repealed (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), **Sch. 13 Pt. V**; S.I. 2000/1047, art. 2(2)(a), Sch. Pt. 1

- 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;”;
- (b) paragraphs (n) and (o) shall cease to have effect.
- (2) Subsection (4) of that section shall cease to have effect.

Commencement Information

- I282** Sch. 7 para. 79(1) in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I283** Sch. 7 para. 79(1) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I284** Sch. 7 para. 79(1) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I285** Sch. 7 para. 79(1) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I286** Sch. 7 para. 79(1) in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I287** Sch. 7 para. 79(1)(b) in force at 2.7.2001 for specified purposes by S.I. 2001/2316, **art. 2(b)**
- I288** Sch. 7 para. 79(2) in force at 2.7.2001 by S.I. 2001/2316, **art. 2(a)**

Status: Point in time view as at 25/02/2005.

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- 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.

Commencement Information

I289 Sch. 7 para. 80 in force at 2.7.2001 by [S.I. 2001/2316](#), [art. 2\(a\)](#)

- 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”.

Commencement Information

I290 Sch. 7 para. 81 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

I291 Sch. 7 para. 81 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))

I292 Sch. 7 para. 81 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), [art. 2](#), [Sch. 1](#) (with [art. 3](#), [Sch. 2](#))

I293 Sch. 7 para. 81 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

I294 Sch. 7 para. 81 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

- 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”.

Commencement Information

I295 Sch. 7 para. 82 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 83 In section 116 of that Act (legal proceedings), subsection (6) shall cease to have effect.

Status: Point in time view as at 25/02/2005.

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Commencement Information

I296 Sch. 7 para. 83 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), Sch. 1 (with art. 4, Schs. 21-23)

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—
 - (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.”

Commencement Information

I297 Sch. 7 para. 84 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with art. 5, Sch. 12)

I298 Sch. 7 para. 84 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), Sch. 1 (with art. 4, Schs. 21-23)

Status: Point in time view as at 25/02/2005.

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- 85 Subsection (2) of section 119 of that Act (recovery of unpaid contributions on prosecution) shall cease to have effect.

Commencement Information

I299 Sch. 7 para. 85 in force at 6.4.1999 by [S.I. 1999/526](#), [art. 2\(3\)\(4\)\(b\)](#)

- 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)”.

Commencement Information

I300 Sch. 7 para. 86(1)(2)(b)(3)(b)(5) in force at 6.4.1999 by [S.I. 1999/526](#), [art. 2\(3\)\(4\)\(b\)](#)

I301 Sch. 7 para. 86(2)(a)(3)(a)(4)(6) in force at 6.4.1999 by [S.I. 1998/2209](#), [art. 2\(c\)](#), [Sch. Pt. III](#)

- 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.

Commencement Information

I302 Sch. 7 para. 87 in force at 6.4.1999 by [S.I. 1999/526](#), [art. 2\(3\)\(4\)\(b\)](#)

- 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”.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I303** Sch. 7 para. 88 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I304** Sch. 7 para. 88 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I305** Sch. 7 para. 88 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I306** Sch. 7 para. 88 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I307** Sch. 7 para. 88 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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”.

Commencement Information

- I308** Sch. 7 para. 89 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I309** Sch. 7 para. 89 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I310** Sch. 7 para. 89 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I311** Sch. 7 para. 89 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I312** Sch. 7 para. 89 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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—
- “(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;”.

Commencement Information

- I313** Sch. 7 para. 90 in force at 6.4.1999 by S.I. 1999/418, art. 2(2)(3)(a)

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F40 Sch. 7 para. 91 repealed (6.4.2000) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(3)(c), [Sch. 13 Pt. VI](#); [S.I. 1999/3420](#), art. 4(c)(e)

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.”

Commencement Information

I314 Sch. 7 para. 92 in force at 6.4.1999 by [S.I. 1999/418](#), art. 2(2)(3)(a)

93 Section 146 of that Act (power to alter number of secondary earnings brackets) shall cease to have effect.

Commencement Information

I315 Sch. 7 para. 93 in force at 6.4.1999 by [S.I. 1999/418](#), art. 2(2)(3)(a)

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.

Commencement Information

I316 Sch. 7 para. 94 in force at 6.4.1999 by [S.I. 1999/418](#), art. 2(2)(3)(a)

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”.

Commencement Information

I317 Sch. 7 para. 95 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 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”.

Commencement Information

I318 Sch. 7 para. 96 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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”.

Commencement Information

I319 Sch. 7 para. 97 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

- 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”.

Commencement Information

I320 Sch. 7 para. 98 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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

I321 Sch. 7 para. 99(1) in force at 8.9.1998 by [S.I. 1998/2209](#), [art. 2\(a\)](#), [Sch. Pt. I](#)

I322 Sch. 7 para. 99(2) in force at 6.4.1999 by [S.I. 1999/526](#), [art. 2\(3\)\(4\)\(b\)](#)

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

I323 Sch. 7 para. 99(3) in force at 6.4.1999 by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(a\)](#)

I324 Sch. 7 para. 99(4) in force at 8.9.1998 for specified purposes and 6.4.1999 in 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”.

Commencement Information

I325 Sch. 7 para. 100(1) in force at 6.4.1999 by [S.I. 1998/2209](#), [art. 2\(c\)](#), [Sch. Pt. III](#)

I326 Sch. 7 para. 100(2) in force at 6.4.1999 by [S.I. 1999/526](#), [art. 2\(3\)\(4\)\(b\)](#)

- 101 In section 164 of that Act (destination of payments etc.), subsection (5)(a) shall cease to have effect.

Commencement Information

I327 Sch. 7 para. 101 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [arts. 3, 5](#), [Sch. 12](#))

I328 Sch. 7 para. 101 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

- 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”.

Commencement Information

I329 Sch. 7 para. 102 in force at 5.7.1999 (immediately before the coming into force of Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Sch. 7 para. 14) for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)\(2\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

I330 Sch. 7 para. 102 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Sch. 14](#))

I331 Sch. 7 para. 102 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

I332 Sch. 7 para. 102 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

- 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”.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(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.”

Commencement Information

I333 Sch. 7 para. 103 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

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;” and

(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

I334 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”.

Commencement Information

I335 Sch. 7 para. 105 in force at 5.7.1999 by [S.I. 1999/1958](#), [art. 2\(1\)\(a\)](#) (with [art. 5](#), [Sch. 12](#))

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”.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I336** Sch. 7 para. 106 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I337** Sch. 7 para. 106 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I338** Sch. 7 para. 106 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I339** Sch. 7 para. 106 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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”.

Commencement Information

- I340** Sch. 7 para. 107 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I341** Sch. 7 para. 107 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I342** Sch. 7 para. 107 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I343** Sch. 7 para. 107 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I344** Sch. 7 para. 107 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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
- (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”.

Commencement Information

- I345** Sch. 7 para. 108 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I346** Sch. 7 para. 108 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I347** Sch. 7 para. 108 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I348** Sch. 7 para. 108 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

Status: Point in time view as at 25/02/2005.

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I349 Sch. 7 para. 108 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))

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).

Commencement Information

I350 Sch. 7 para. 109 in force at 6.9.1999 for specified purposes by [S.I. 1999/2422](#), art. 2(c), [Sch. 1](#) (with art. 4, [Sch. 14](#))

I351 Sch. 7 para. 109 in force at 5.10.1999 for specified purposes by [S.I. 1999/2739](#), art. 2, [Sch. 1](#) (with art. 3, [Sch. 2](#))

I352 Sch. 7 para. 109 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), [Sch. 1](#) (with art. 4, [Schs. 16-18](#))

I353 Sch. 7 para. 109 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))

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)—

- ^{F41}(a)
- (b) “146,” shall cease to have effect.

(2) Subsection (4) of that section shall cease to have effect.

Textual Amendments

F41 Sch. 7 para. 110(1)(a) repealed (6.4.2000) by [Welfare Reform and Pensions Act 1999](#) (c. 30), s. 89(3)(c), [Sch. 13 Pt. VI](#); [S.I. 1999/3420](#), art. 4(c)(e)

Commencement Information

I354 Sch. 7 para. 110 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))

I355 Sch. 7 para. 110(1)(b) in force at 6.4.1999 by [S.I. 1999/418](#), art. 2(2)(3)(a)

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”.

Status: Point in time view as at 25/02/2005.

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Commencement Information

- I356** Sch. 7 para. 111 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I357** Sch. 7 para. 111(b) in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)

- 112 In subsection (5) of section 192 of that Act (short title, commencement and extent), the words “section 24;” shall cease to have effect.

Commencement Information

- I358** Sch. 7 para. 112 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I359** Sch. 7 para. 112 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I360** Sch. 7 para. 112 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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.

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.”

Commencement Information

- I361** Sch. 7 para. 113 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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”.

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- (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

I362 Sch. 7 para. 114 in force at 8.9.1998 for specified purposes and 6.4.1999 in 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”.

Commencement Information

I363 Sch. 7 para. 115 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)

- 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”.

Commencement Information

I364 Sch. 7 para. 116 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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”.

Commencement Information

I365 Sch. 7 para. 117 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

I366 Sch. 7 para. 117 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

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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.

Commencement Information

- I367** Sch. 7 para. 118 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I368** Sch. 7 para. 118(1) in force at 1.6.1999 for specified purposes by S.I. 1999/1510, art. 2(g)(vi) (with arts. 48-51)
- I369** Sch. 7 para. 118(1)(2) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

- 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)”.

Commencement Information

- I370** Sch. 7 para. 119 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

- 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.

Commencement Information

- I371** Sch. 7 para. 120(b) in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

- 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)”; and
- (b) sub-paragraphs (b), (c) and (e) shall cease to have effect; and

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- (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

- I372** Sch. 7 para. 121 in force at 4.3.1999 for specified purposes by S.I. 1999/528, art. 2(a), **Sch. 1**
- I373** Sch. 7 para. 121(1) in force at 1.6.1999 in so far as not already in force by S.I. 1999/1510, **art. 2(g)(vii)** (with arts. 48-51)
- I374** Sch. 7 para. 121(2) in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I375** Sch. 7 para. 121(2)(a)(c) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I376** Sch. 7 para. 121(2)(a)(c) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I377** Sch. 7 para. 121(2)(a)(b) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

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)”.

Commencement Information

- I378** Sch. 7 para. 122 in force at 1.6.1999 by S.I. 1999/1510, **art. 2(g)(vii)** (with arts. 48-51)

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”.

Commencement Information

- I379** Sch. 7 para. 123 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I380** Sch. 7 para. 123(1)(a) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I381** Sch. 7 para. 123(1)(a) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I382** Sch. 7 para. 123(1)(b) in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(vii) (with arts. 48-51)
- I383** Sch. 7 para. 123(2) in force at 1.6.1999 for specified purposes by S.I. 1999/1510, art. 2(g)(viii) (with arts. 48-51)
- I384** Sch. 7 para. 123(2) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

- 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”.

Commencement Information

- I385** Sch. 7 para. 124 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I386** Sch. 7 para. 124(1)(a) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I387** Sch. 7 para. 124(1)(a) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I388** Sch. 7 para. 124(1)(b) in force at 1.6.1999 by S.I. 1999/1510, art. 2(g)(vii) (with arts. 48-51)
- I389** Sch. 7 para. 124(2) in force at 1.6.1999 for specified purposes by S.I. 1999/1510, art. 2(g)(viii) (with arts. 48-51)
- I390** Sch. 7 para. 124(2) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

- 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.

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Commencement Information

I391 Sch. 7 para. 125 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), Sch. 1 (with art. 4, Schs. 21-23)

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”.

Commencement Information

I392 Sch. 7 para. 126 in force at 6.4.1999 by S.I. 1999/418, art. 2(2)(3)(a)

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 of Schedule 1 to the Social Security Contributions and Benefits Act 1992) in respect of amount A.”

Commencement Information

I393 Sch. 7 para. 127 in force at 6.4.1999 by S.I. 1999/418, art. 2(2)(3)(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—

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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.”

Commencement Information

I394 Sch. 7 para. 128 in force at 6.4.1999 by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(a\)](#)

- 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”.

Commencement Information

I395 Sch. 7 para. 129 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

I396 Sch. 7 para. 129 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

- 130^{F42}(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.]

Textual Amendments

F42 Sch. 7 para. 130 repealed (5.7.1999 in relation to the repeal of Sch. 7 para. 130(1)) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 10 Pt. 1](#) (with [Sch. 8](#)); [S.I. 1999/1662](#), [art. 2\(b\)](#), [Sch. Pt. 2](#) (with [art. 4](#))

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I397 Sch. 7 para. 130(2) in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

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—
 - (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

I398 Sch. 7 para. 131 in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), [art. 2\(a\)](#), [Sch.](#)

I399 Sch. 7 para. 131 in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), [art. 2\(1\)\(b\)](#), [Sch. 1](#) (with [art. 5](#), [Sch. 12](#))

^{F43}132

Textual Amendments

F43 Sch. 7 para. 132 repealed (5.7.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), [s. 28\(3\)](#), [Sch. 10 Pt. I](#) (with [Sch. 8](#)); [S.I. 1999/1662](#), [art. 2\(b\)](#), [Sch. Pt. 2](#) (with [art. 4](#))

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 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.”

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I400 Sch. 7 para. 133 in force at 6.4.1999 by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(a\)](#)

- 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”.

Commencement Information

I401 Sch. 7 para. 134 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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”.

Commencement Information

I402 Sch. 7 para. 135 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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.

Commencement Information

I403 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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”.

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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.

Commencement Information

I404 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 138 Section 11 of that Act (jobseeker’s agreement: reviews and appeals) shall cease to have effect.

Commencement Information

I405 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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, 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.”

Status: Point in time view as at 25/02/2005.

Changes to legislation: Social Security Act 1998 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I406 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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.”

Commencement Information

I407 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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”.

Commencement Information

I408 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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”.

Status: Point in time view as at 25/02/2005.

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Commencement Information

I409 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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”.

Commencement Information

I410 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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”.

Commencement Information

I411 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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)”.

Commencement Information

I412 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

- 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”.

Commencement Information

I413 Sch. 7 paras. 136-146 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), [art. 2\(c\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 16-18](#))

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—

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- “(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”.

Commencement Information

- I414** Sch. 7 para. 147 in force at 18.10.1999 for specified purposes by [S.I. 1999/2860](#), art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I415** Sch. 7 para. 147 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)

Employment Rights Act 1996 (c. 18)

F44 148

Textual Amendments

- F44** Sch. 7 para. 148 repealed (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), **Sch. 10 Pt. I** (with Sch. 8); [S.I. 1999/527](#), art. 2(b), **Sch. 2** (with arts. 3-6)

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

(c) revoke the certificate.”

Commencement Information

- I416** Sch. 7 para. 149 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I417** Sch. 7 para. 149(1) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), **Sch. 1**

- 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

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- (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.

Commencement Information

I418 Sch. 7 para. 150 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))

- 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)”; and
 - (c) subsection (8) of that section.

Commencement Information

I419 Sch. 7 para. 151 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(a)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))

Status: Point in time view as at 25/02/2005.

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- 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”.
- (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.

Commencement Information

I420 Sch. 7 para. 152 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

- 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);”.

Commencement Information

I421 Sch. 7 para. 153 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), [art. 2\(1\)\(a\)\(2\)](#), [Sch. 1](#) (with [art. 4](#), [Schs. 21-23](#))

SCHEDULE 8

Section 86(2).

REPEALS

Commencement Information

- I422** 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](#)
- I423** Sch. 8 in force at 5.4.1999 for specified purposes by [S.I. 1999/1055](#), [art. 2\(c\)](#) (with [art. 3](#))
- I424** Sch. 8 in force at 6.4.1999 for specified purposes by [S.I. 1999/526](#), [art. 2\(3\)\(4\)\(c\)](#)
- I425** Sch. 8 in force at 6.4.1999 for specified purposes by [S.I. 1999/418](#), [art. 2\(2\)\(3\)\(b\)\(c\)](#)
- I426** Sch. 8 in force at 1.6.1999 for specified purposes by [S.I. 1999/1510](#), [art. 2\(f\)](#) (with [arts. 48-51](#))

Status: Point in time view as at 25/02/2005.

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- I427** Sch. 8 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I428** Sch. 8 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, **art. 2(b)** (with arts. 4, 5, Sch. 14) (as amended (25.11.1999) by S.I. 1999/3178, art. 3(20), Sch. 20 para. 2(b))
- I429** Sch. 8 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I430** Sch. 8 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I431** Sch. 8 in force at 2.7.2001 for specified purposes by S.I. 2001/2316, **art. 2(c)**

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1967 c. 13.	Parliamentary Commissioner Act 1967.	In Schedule 4, the following entries, namely— “Tribunals constituted in Great Britain under regulations made under section 4 of the Vaccine Damage Payments Act 1979”; “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”.
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”;

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<p>“A regional or other full-time Chairman of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals”;</p> <p>“Chief Adjudication Officer appointed under section 39 of the Social Security Administration Act 1992”;</p> <p>“Chief Child Support Officer appointed under section 13(3) of the Child Support Act 1991”;</p> <p>“Member of a Medical Appeal Tribunal appointed under section 50 of the Social Security Administration Act 1992”;</p> <p>“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”;</p> <p>“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”;</p> <p>“Member of a panel of persons who may be appointed to serve on a Vaccine Damage Tribunal”; and</p> <p>“President of Social Security Appeal Tribunals, Medical Appeal Tribunals and Disability Appeal Tribunals”.</p>
1979 c. 17.	Vaccine Damage Payments Act 1979.	In section 5, subsections (1) to (3) and (5).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		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 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”.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1992 c. 4.	Social Security Contributions and Benefits Act 1992.	<p>In Schedule 1, in paragraph 16(10), the words “or a child support officer”.</p> <p>In Schedule 2, paragraph 2.</p> <p>Schedule 3.</p> <p>In Schedule 4A, in paragraph 1 the definition of “review”, in paragraph 4(1) the words “a child support officer or” and paragraph 6.</p> <p>In Schedule 5, paragraph 3(3).</p> <p>In section 122(1), the definitions of “initial primary percentage” and “main primary percentage”.</p> <p>Section 139(3).</p> <p>Section 140(4)(e).</p> <p>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)”.</p> <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>
1992 c. 5.	Social Security Administration Act 1992.	<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>

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		<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> <p>In section 190, in subsection (1)(a), “146,” and subsection (4).</p> <p>In section 191, the definitions of “Commissioner”, “the disablement questions”, “5 year general qualification”, “President” and “10 year general qualification”.</p> <p>In section 192(5), the words “section 24;”.</p> <p>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”.</p> <p>In Schedule 4, paragraph 12.</p>
1992 c. 6.	Social Security (Consequential Provisions) Act 1992.	

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
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 “Chairman of child support appeal tribunals”. In Schedule 5, the following entries, 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”. In Schedule 6, paragraphs 21 and 23(1). In Schedule 7, in paragraph 5(5), sub-paragraphs (iii) and (iv). In Schedule 8, paragraphs 21(1) and 23.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1993 c. 48.	Pension Schemes Act 1993.	Section 167(4). In Schedule 8, paragraphs 25, 33 and 34.
1994 c. 18.	Social Security (Incapacity for Work) Act 1994.	Section 6(2). In Schedule 1, paragraphs 11 and 46 to 48.
1994 c. 40.	Deregulation and Contracting Out Act 1994.	In Schedule 16, paragraph 20(1).
1995 c. 18.	Jobseekers Act 1995.	In section 6(6), the words “(“the first determination”)”. In section 7(7), the words “(“the first determination”)”. Section 9(9). Section 10(8). Section 11. In section 28, subsections (1) (b) and (3). In section 35(1), the definition of “adjudication officer”. 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).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		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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