



# Social Security Act 1998

## 1998 CHAPTER 14

### PART I

#### DECISIONS AND APPEALS

### CHAPTER II

#### SOCIAL SECURITY DECISIONS AND APPEALS

#### *Appeals*

#### **12 Appeal to appeal tribunal**

- (1) This section applies to any decision of the Secretary of State under section 8 or 10 above (whether as originally made or as revised under section 9 above) which—
  - (a) is made on a claim for, or on an award of, a relevant benefit, and does not fall within Schedule 2 to this Act;
  - (b) is made otherwise than on such a claim or award, and falls within Schedule 3 to this Act; or
  - (c) relates to statutory sick pay or statutory maternity pay.
- (2) In the case of a decision to which this section applies—
  - (a) if it relates to statutory sick pay or statutory maternity pay, the employee and employer concerned shall each have a right to appeal to an appeal tribunal; and
  - (b) in any other case, the claimant and such other person as may be prescribed shall have a right to do so;but nothing in this subsection shall confer a right of appeal in relation to a prescribed decision, or a prescribed determination embodied in or necessary to a decision.
- (3) Regulations under subsection (2) above shall not prescribe any decision or determination that relates to the conditions of entitlement to a relevant benefit for which a claim has been validly made or for which no claim is required.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where the Secretary of State has determined that any amount is recoverable under or by virtue of section 71 or 74 of the Administration Act, any person from whom he has determined that it is recoverable shall have the same right of appeal to an appeal tribunal as a claimant.
- (5) In any case where—
- (a) the Secretary of State has made a decision in relation to a claim under Part V of the Contributions and Benefits Act; and
  - (b) the entitlement to benefit under that Part of that Act of any person other than the claimant is or may be, under Part VI of Schedule 7 to that Act, affected by that decision,
- that other person shall have the same right of appeal to an appeal tribunal as the claimant.
- (6) A person with a right of appeal under this section shall be given such notice of a decision to which this section applies and of that right as may be prescribed.
- (7) Regulations may make provision as to the manner in which, and the time within which, appeals are to be brought.
- (8) In deciding an appeal under this section, an appeal tribunal—
- (a) need not consider any issue that is not raised by the appeal; and
  - (b) shall not take into account any circumstances not obtaining at the time when the decision appealed against was made.
- (9) The reference in subsection (1) above to a decision under section 10 above is a reference to a decision superseding any such decision as is mentioned in paragraph (a) or (b) of subsection (1) of that section.