



Social Security Act 1998

1998 CHAPTER 14

PART I

DECISIONS AND APPEALS

CHAPTER II

SOCIAL SECURITY DECISIONS AND APPEALS

Decisions and appeals dependent on other cases

25 Decisions involving issues that arise on appeal in other cases

- (1) This section applies where—
 - (a) a decision by the Secretary of State falls to be made under section 8, 9 or 10 above in relation to a particular case; and
 - (b) an appeal is pending against the decision given in another case by [^{F1}the Upper Tribunal] or a court (whether or not the two cases concern the same benefit).
- (2) In a case relating to a relevant benefit, the Secretary of State need not make the decision while the appeal is pending if he considers it possible that the result of the appeal will be such that, if it were already determined, there would be no entitlement to benefit.
- (3) If the Secretary of State considers it possible that the result of the appeal will be such that, if it were already determined, it would affect the decision in some other way—
 - (a) he need not, except in such cases or circumstances as may be prescribed, make the decision while the appeal is pending;
 - (b) he may, in such cases or circumstances as may be prescribed, make the decision on such basis as may be prescribed.
- (4) Where the Secretary of State acts in accordance with subsection (3)(b) above, following the determination of the appeal he shall if appropriate revise his decision (under section 9 above) in accordance with that determination.

Status: Point in time view as at 01/10/2010.

Changes to legislation: Social Security Act 1998, Section 25 is up to date with all changes known to be in force on or before 26 July 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)

- (5) For the purposes of this section, an appeal against a decision is pending if—
- (a) an appeal against the decision has been brought but not determined;
 - (b) an application for leave to appeal against the decision has been made but not determined; or
 - (c) in such circumstances as may be prescribed, an appeal against the decision has not been brought (or, as the case may be, an application for leave to appeal against the decision has not been made) but the time for doing so has not yet expired.
- (6) In paragraphs (a), (b) and (c) of subsection (5) above, any reference to an appeal, or an application for leave to appeal, against a decision includes a reference to—
- (a) an application for, or for leave to apply for, judicial review of the decision under section 31 of the Supreme Court Act 1981; or
 - (b) an application to the supervisory jurisdiction of the Court of Session in respect of the decision.

Textual Amendments

- F1** Words in s. 25(1)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 161**

Modifications etc. (not altering text)

- C1** Ss. 25, 26 applied (with modifications) by (14.6.1999 for specified purposes, 5.7.1999 in so far as not already in force) , s. 170(7) (as substituted (14.6.1999 for specified purposes, 5.7.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), ss. 16(2), 28(3) (with **Sch. 8**); S.I. 1999/1662, art 2, **Sch.** (with art. 4))
- C2** S. 25 applied (with modifications) (6.4.2010) by [The National Insurance Contribution Credits \(Transfer of Functions\) Order 2009 \(S.I. 2009/1377\)](#), arts. 1(1), **3(2)(o)**, 4

Commencement Information

- I1** S. 25 in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, **Sch. 12**)
- I2** S. 25 in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, **Sch. 14**)
- I3** S. 25 in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, **Sch. 2**)
- I4** S. 25 in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, **Schs. 16-18**)
- I5** S. 25 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**)
- I6** S. 25(3)(b)(5)(c) 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 01/10/2010.

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