



Social Security Act 1998

1998 CHAPTER 14

PART I

DECISIONS AND APPEALS

CHAPTER I

GENERAL

Appeals

^[F17] **Constitution of appeal tribunals**

- (1) Subject to subsection (2) below, an appeal tribunal shall consist of one, two or three members drawn by the President from the panel constituted under section 6 above.
- (2) The member, or (as the case may be) at least one member, of an appeal tribunal must—
 - ^[F2](a) be a solicitor of the Senior Courts of England and Wales, a barrister in England and Wales or have a qualification that is specified under subsection (6A); or
 - (b) be an advocate or solicitor in Scotland.
- (3) Where an appeal tribunal has more than one member—
 - (a) the President shall nominate one of the members as chairman;
 - (b) decisions shall be taken by a majority of votes; and
 - (c) unless regulations otherwise provide, the chairman shall have any casting vote.
- (4) Where it appears to an appeal tribunal that a matter before it involves a question of fact of special difficulty, then, unless regulations otherwise provide, the tribunal may require one or more experts to provide assistance to it in dealing with the question.
- (5) In subsection (4) above “expert” means a member of the panel constituted under section 6 above who appears to the appeal tribunal concerned to have knowledge or

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experience which would be relevant in determining the question of fact of special difficulty.

- (6) Regulations shall make provision with respect to—
- (a) the composition of appeal tribunals;
 - (b) the procedure to be followed in allocating cases among differently constituted tribunals; and
 - (c) the manner in which expert assistance is to be given under subsection (4) above.

[^{F3}(6A) The Lord Chancellor may by order specify a qualification for the purposes of subsection (2)(a) above.

(6B) Subsections (2) to (4), (9) and (10) of section 51 of the Tribunals, Courts and Enforcement Act 2007 (contents of orders under subsection (1) of that section, and cessation of effect of such orders) shall apply for the purposes of subsection (6A) above as they apply for the purposes of subsection (1) of that section, but as if the reference in subsection (3) of that section to section 50 of that Act were a reference to this section.

(6C) For the purposes of subsection (2)(a) above, a person shall be taken first to become a barrister—

- (a) when the person completes pupillage in connection with becoming a barrister, or
- (b) in the case of a person not required to undertake pupillage in connection with becoming a barrister, when the person is called to the Bar of England and Wales.

(6D) For the purposes of subsection (2)(a) above, a person shall be taken not to be a solicitor or a barrister, or not to have a qualification specified under subsection (6A) above, if as a result of disciplinary proceedings he is prevented from practising as a solicitor or (as the case may be) as a barrister or as a holder of the specified qualification.]

(7) Schedule 1 to this Act shall have effect for supplementing this section.]

Textual Amendments

- F1** S. 7 omitted except in relation to S. for specified purposes (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1)(5), **Sch. 3 para. 147**
- F2** S. 7(2)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 29(3)(8)**; [S.I. 2008/1653](#), art. 2(d) (with arts. 3, 4)
- F3** S. 7(6A)-(6D) inserted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 29(4)**; [S.I. 2008/1653](#), art. 2(d) (with arts. 3, 4)

Modifications etc. (not altering text)

- C1** Ss. 5-7 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

- I1** S. 7(6) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), **Sch.**
- I2** S. 7(7) in force at 4.3.1999 for specified purposes by [S.I. 1999/528](#), art. 2(a), **Sch.**
- I3** S. 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)
- I4** S. 7 in force at 29.11.1999 for further specified purposes by [S.I. 1999/3178](#), **art. 2(1)(b)** (with art. 4, [Schs. 21-23](#))

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- 15** S. 7(7) in force at 31.3.2000 for further specified purposes by [S.I. 1999/3178](#), [art. 2\(3\)](#) (with [art. 4](#), [Schs. 21-23](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2010/1907 reg. 16\(2\)\(c\)Sch. 2](#)
- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2010/875 revoked (27.8.2010) before coming into force by S.I. 2010/1906, regs. 1(2), 2)
- Act modified by [S.S.I. 2024/62 art. 2](#)
- Act modified by [S.I. 2024/149 art. 2](#)
- Act power to apply (with modifications) conferred by [2004 c. 6 s. 24\(5\)-\(7\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38(1A) inserted by [2009 c. 24 s. 20\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- Sch. 2 para. 7A and cross-head inserted by [2012 c. 5 Sch. 2 para. 50\(3\)](#)
- Sch. 18 functions modified by [S.I. 2000/2853 reg. 3\(1\)Sch. 2 para. 4](#)
- Sch. 24 functions modified by [S.I. 2000/2853 reg. 3\(1\)Sch. 2 para. 5](#)