
 STATUTORY INSTRUMENTS

1984 No. 458

SOCIAL SECURITY

INDUSTRIAL TRIBUNALS

**The Social Security Adjudication (Consequential Amendments)
Regulations 1984**

<i>Made</i> - - - -	28th March 1984
<i>Laid before Parliament</i>	2nd April 1984
<i>Coming into Operation</i>	23rd April 1984

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred by sections 5(2) and 10 of the Family Income Supplements Act 1970(a), sections 76(4), 77(2), 89, 113, 119(3), 155, 162 and 166 of and Schedule 20 to the Social Security Act 1975(b), section 22(4) of the Social Security Pensions Act 1975(c), sections 7, 8, 13 and 22 of the Child Benefit Act 1975(d), sections 9(2), 10, 14(2)(c), (f), (h) and (i), 33 and 34 of and paragraphs 1(2) and (3) and 2(1) of Schedule 1 to the Supplementary Benefits Act 1976(e), section 132(2) and (3)(e) of the Employment Protection (Consolidation) Act 1978(f) and section 8 of the Social Security Act 1980(g), after consultation with the Council on Tribunals in so far as is required by section 10 of the Tribunals and Inquiries Act 1971(h), hereby makes the following regulations.

This instrument contains only regulations made in consequence of section 25 of and Schedule 8 to the Health and Social Services and Social Security Adjudications Act 1983(i) and it is made before the expiry of the period of 6 months beginning with the commencement of that section and that Schedule and accordingly the Secretary of State has not referred any proposals to make any regulations contained in it to the Industrial Injuries Advisory Council or the Social Security Advisory Committee.

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- (a) 1970 c. 55, to which there are amendments not relevant to these regulations.
 (b) 1975 c. 14; section 89(1) was amended by the Social Security and Housing Benefits Act 1982 (c. 24), section 48(6) and Schedule 5; section 119(3) was amended by the Social Security Act 1979 (c. 18), section 21(4) and Schedule 3, paragraph 9(a).
 (c) 1975 c. 60, to which there are amendments not relevant to these regulations.
 (d) 1975 c. 61, to which there are amendments not relevant to these regulations.
 (e) 1976 c. 71; the Act, as amended by the Social Security Act 1980 (c. 30), is set out in Part II of Schedule 2 to the latter Act. Section 10(1) was further amended by the Social Security and Housing Benefits Act 1982, section 38(2).
 (f) 1978 c. 44, as amended by the Social Security Act 1980, Schedule 4, paragraph 13(1).
 (g) 1980 c. 30.
 (h) 1971 c. 62.
 (i) 1983 c. 41.

Citation and commencement

1. These regulations may be cited as the Social Security Adjudication (Consequential Amendments) Regulations 1984 and shall come into operation on 23rd April 1984.

Amendment of the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974

2. In regulation 1(2) of the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations 1974(a) for the definition of “the determining authority” there shall be substituted the following definition—

‘“the determining authority” means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Social Security Act 1975, any other adjudication officer appointed under section 97(1) of that Act, a social security appeal tribunal constituted under section 97(2) to (2E) of that Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of that Act or a tribunal of 3 such Commissioners constituted under section 116 of that Act.’

Amendment of the Mobility Allowance Regulations 1975

3. The Mobility Allowance Regulations 1975(b) shall be amended as follows—

(a) in regulation 1(2) for the definition of “medical authority” there shall be substituted the following definition—

‘“medical authority” means a medical appeal tribunal, a medical board as defined by regulation 30 of the Social Security (Adjudication) Regulations 1984 or any medical practitioner appointed or nominated for the purposes of these regulations by the Secretary of State.’;

and

(b) in regulation 7(1)(a) for the reference to “regulation 13(1)” there shall be substituted a reference to “regulation 53(1) of the Social Security (Adjudication) Regulations 1984”.

Amendment of the Mobility Allowance (Vehicle Scheme Beneficiaries) Regulations 1977

4. Regulation 6 of the Mobility Allowance (Vehicle Scheme Beneficiaries) Regulations 1977(c) shall be amended as follows—

(a) for the heading to that regulation there shall be substituted the following heading—

“*Application of the principal Act, the principal regulations and the Social Security (Adjudication) Regulations 1984 in relation to vehicle scheme beneficiaries*”;

(a) S.I. 1974/2010, to which there are amendments not relevant to these regulations.

(b) S.I. 1975/1573, to which there are amendments not relevant to these regulations.

(c) S.I. 1977/1229, as amended by the Social Security Act 1979, Schedule 3, paragraph 32.

and

(b) for paragraph (b) of that regulation there shall be substituted the following paragraphs—

“(b) the principal regulations shall have effect as though regulation 2(1)(c) were omitted; and

(c) the Social Security (Adjudication) Regulations 1984(a) shall have effect as if—

(i) in regulation 54 after paragraph (1)(b) there were inserted—

“or

(c) the issue of a certificate under the Mobility Allowance (Vehicle Scheme Beneficiaries) Regulations 1977.”; and

(ii) in regulation 60 after paragraph (3) there were added—

“(4) Where the grounds of an application under paragraph (2) are that a certificate issued for the purposes of section 13 of the Social Security (Miscellaneous Provisions) Act 1977 has been cancelled, the adjudication officer may himself determine any medical question arising on review adversely to the person in question without referring it to a medical board and the provisions of regulations 55(3) and 56 to 59 shall apply to such determination as though it were a determination under regulation 55(2)(b).”.

Amendment of the Social Security (Claims and Payments) Regulations 1979

5. For paragraph (4) of regulation 26 of the Social Security (Claims and Payments) Regulations 1979(b) there shall be substituted the following paragraph—

“(4) In this regulation—

“medical authority” means a medical appeal tribunal, an adjudicating medical authority or any medical practitioner appointed or nominated by the Secretary of State; and

“adjudicating medical authority” has the meaning assigned to it by regulation 30 of the Social Security (Adjudication) Regulations 1984.”

Amendment of the Social Security (General Benefit) Regulations 1982

6. The Social Security (General Benefit) Regulations 1982(c) shall be amended as follows—

(a) in regulation 9(1) for the reference to “regulation 33 of the Social Security (Determination of Claims and Questions) Regulations 1975” there shall be substituted a reference to “regulation 84 of the Social Security (Adjudication) Regulations 1984”; and

(a) S.I. 1984/451.

(b) S.I. 1979/628; relevant amending instrument is S.I. 1983/186.

(c) S.I. 1982/1408, to which there are amendments not relevant to these regulations.

- (b) in regulation 41(4) for the reference to “regulation 3 of the Social Security (Correction and Setting Aside of Decisions) Regulations 1975” there shall be substituted a reference to “regulation 10 of the Social Security (Adjudication) Regulations 1984”.

Amendment of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980

7. The Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1980(a) shall be amended as follows—

- (a) in regulation 1(2)—
- (i) the definitions of “the Determination of Claims and Questions Regulations”, “pneumoconiosis medical board” and “pneumoconiosis medical panel” are revoked;
 - (ii) after the definition of “the Workmen’s Compensation Acts” there shall be inserted “the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1984; and
 - (iii) after the definition of “silica rock” there shall be inserted “special medical board” has the same meaning as in regulation 30 of the Adjudication Regulations;
- (b) in regulation 7(1)(b) for the reference to “Part V of these regulations” there shall be substituted a reference to “Part IX of the Adjudication Regulations”;
- (c) in regulation 7(4) for the reference to “regulation 31” there shall be substituted a reference to “regulation 49 of the Adjudication Regulations”;
- (d) in regulation 8(1) for the reference to “Part V of these regulations” there shall be substituted a reference to “Part IX of the Adjudication Regulations”;
- (e) in regulation 9(1) for the reference to “pneumoconiosis medical board” there shall be substituted a reference to “special medical board”;
- (f) in regulation 9(2)(a) for the reference to “pneumoconiosis medical board” in both places where it appears there shall be substituted a reference to “special medical board” and for the reference to “the Determination of Claims and Questions Regulations” there shall be substituted a reference to “the Adjudication Regulations”;
- (g) in regulation 9(2)(b) for the reference to “pneumoconiosis medical board” there shall be substituted a reference to “special medical board”;
- (h) in regulation 9(2)(c) for the reference to “pneumoconiosis medical board” there shall be substituted a reference to “special medical board”;
- (i) in regulation 38 for the reference to “pneumoconiosis medical board” there shall be substituted a reference to “special medical board”;
- (j) in regulation 39(1) for the reference to “Part V of these regulations” there shall be substituted a reference to “Part IX of the Adjudication

(a) S.I. 1980/377; relevant amending instruments are S.I. 1982/249, 1983/185.

Regulations” and for the reference to “regulation 25(2)” there shall be substituted a reference to “regulation 43(2) of the Adjudication Regulations”;

- (k) in regulation 46 the words “the proviso to” are revoked;
- (l) in regulation 51 for the reference to “pneumoconiosis medical board” in both places where it occurs there shall be substituted a reference to “special medical board”; and
- (m) in regulation 53(2) for the reference to “pneumoconiosis medical board” there shall be substituted a reference to “special medical board”.

Amendment of the Child Benefit (Residence and Persons Abroad) Regulations 1976

8. The Child Benefit (Residence and Persons Abroad) Regulations 1976(a) shall be amended as follows—

- (a) in regulation 8(2)(a) for the reference to “regulation 21 of the Child Benefit (Determination of Claims and Questions) Regulations 1976” there shall be substituted a reference to “regulation 80 of the Social Security (Adjudication) Regulations 1984”; and
- (b) for paragraph (3) of regulation 8 there shall be substituted the following paragraph—

“(3) in paragraph (2) ‘determining authority’ means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Social Security Act 1975, any other adjudication officer appointed under section 97(1) of that Act, a social security appeal tribunal constituted under section 97(2) to (2E) of that Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of that Act or a tribunal of 3 such Commissioners constituted under section 116 of that Act;”

Amendment of the Child Benefit (Claims and Payments) Regulations 1976

9. The Child Benefit (Claims and Payments) Regulations 1976(b) shall be amended by substituting for the definition of “determining authority” in regulation 1(2) the following definition—

“‘determining authority’ means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Social Security Act 1975, any other adjudication officer appointed under section 97(1) of that Act, a social security appeal tribunal constituted under section 97(2) to (2E) of that Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of that Act or a tribunal of 3 such Commissioners constituted under section 116 of that Act;”

(a) S.I. 1976/963, to which there are amendments not relevant to these regulations.

(b) S.I. 1976/964, to which there are amendments not relevant to these regulations.

Amendment of the Child Benefit (Interim Payments) Regulations 1983

10. The Child Benefit (Interim Payments) Regulations 1983(a) shall be amended by substituting for the words after “Child Benefit Act 1975, and” the words—

‘“determining authority” means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Social Security Act 1975, any other adjudication officer appointed under section 97(1) of that Act, a social security appeal tribunal constituted under section 97(2) to (2E) of that Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of that Act or a tribunal of 3 such Commissioners constituted under section 116 of that Act;’

Amendment of the Employment Protection (Recoupment of Unemployment Benefit and Supplementary Benefit) Regulations 1977

11. Regulation 12(2) of the Employment Protection (Recoupment of Unemployment Benefit and Supplementary Benefit) Regulations 1977(b) shall be amended by substituting for the reference to “section 15(1) of the Supplementary Benefits Act 1976” a reference to “regulation 71 of the Social Security (Adjudication) Regulations 1984”.

Amendment of the Supplementary Benefit (Transitional) Regulations 1980

12. The Supplementary Benefit (Transitional) Regulations 1980(c) shall be amended as follows—

(a) for paragraph (3) of regulation 3 there shall be substituted the following paragraph—

“(3) Regulation 71 of the Social Security (Adjudication) Regulations 1984 (appeals to appeal tribunals) shall apply to a determination to which paragraph (2) applies as if that determination had been made under Part XII of those regulations.”;

and

(b) in regulation 4(2) the words “, pursuant to section 14(2)(d) of the 1976 Act as amended by the 1980 Act (review of determinations),” are revoked.

Amendment of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980

13. In regulation 18 of the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980(d) the words “under section 15 or 15A” and “pursuant to section 14(2)(d)” are revoked.

(a) S.I. 1983/104.

(b) S.I. 1977/674, to which there are amendments not relevant to these regulations.

(c) 1980/984, to which there are amendments not relevant to these regulations.

(d) 1980/1641; relevant amending instrument is S.I. 1981/815.

Amendment of the Supplementary Benefit (Determination of Questions) Regulations 1980

14. The Supplementary Benefit (Determination of Questions) Regulations 1980(a) shall be amended as follows—

- (a) in regulation 1(2) after the definition of “the Act” there shall be inserted the following definition—
 - ‘ “Adjudication Regulations” means the Social Security (Adjudication) Regulations 1984’;
- (b) in regulation 6(1) for the reference to “regulations 4 and 5” there shall be substituted a reference to “the Adjudication Regulations”;
- (c) in regulation 7(1)(b) the words “under regulation 4” are revoked;
- (d) in regulation 7(1)(b)(i) for the reference to “regulation 4(5)” there shall be substituted a reference to “regulation 87(5) of the Adjudication Regulations” and for the reference to “regulation 4(5)(b)” there shall be substituted a reference to “regulation 87(5)(b) of the Adjudication Regulations”; and
- (e) in regulation 7(1)(c) the words “under regulation 4” are revoked.

Amendment of the Supplementary Benefit (Claims and Payments) Regulations 1981

15. The Supplementary Benefit (Claims and Payments) Regulations 1981(b) shall be amended as follows—

- (a) in regulation 2(1) the definition of “Determination of Questions Regulations” is revoked and after the definition of “the Act” there shall be inserted the following definition—
 - ‘ “Adjudication Regulations” means the Social Security (Adjudication) Regulations 1984’;
- (b) (i) in regulation 6(2) the words “pursuant to regulation 4 of the Determination of Questions Regulations (review of determination)”;
- (ii) in regulation 8(a)(i) the words “issued pursuant to regulation 3(1) of the Determination of Questions Regulations”;
- (iii) in regulation 17(2B) the words “pursuant to regulation 4(1) of the Determination of Questions Regulations (review of determinations)”,
are revoked.

Amendment of the Supplementary Benefit (Conditions of Entitlement) Regulations 1981

16. The Supplementary Benefit (Conditions of Entitlement) Regulations 1981(c) shall be amended as follows—

(a) S.I. 1980/1643; relevant amending instrument is S.I. 1981/815.
(b) S.I. 1981/1525.
(c) S.I. 1981/1526.

(a) after paragraph (2) of regulation 12 there shall be inserted the following paragraph—

“(2A) A direction shall not come into force—

(a) until the expiration of the period within which, without any extension time, an appeal against it may be brought in pursuance of regulation 71 of the Social Security (Adjudication) Regulations 1984; and

(b) if during that period such an appeal is brought, until the appeal is withdrawn or the direction is confirmed by the appeal tribunal.”;

(b) in regulation 12(3)(a) the words “in accordance with rules made pursuant to paragraph 9 of Schedule 4 to the Act (Appeal Tribunal) or section 15A (appeals to Commissioners)”;

(c) in regulation 12(3)(b) the words “pursuant to regulation 4 of the Determination of Questions Regulations”,
are revoked.

Amendment of the Family Income Supplements (General) Regulations 1983

17. In regulation 1(2) of the Family Income Supplements (General) Regulations 1980(a) the definitions of “Appeal Tribunal” and “supplement officer” are revoked, and for the definition of “determining authority” there shall be substituted the following definition—

“determining authority” means, as the case may be, the Chief Adjudication Officer appointed under section 97(1B) of the Social Security Act 1975, any other adjudication officer appointed under section 97(1) of that Act, a social security appeal tribunal constituted under section 97(2) to (2E) of that Act, the Chief or any other Social Security Commissioner appointed under section 97(3) of that Act or a tribunal of 3 such Commissioners constituted under section 116 of that Act;”.

Signed by authority of the Secretary of State for Social Services.

27th March 1984.

Tony Newton,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

We consent.

28th March 1984.

T. Garel-Jones,
Alastair Goodlad,
Two of the Lords Commissioners of
Her Majesty's Treasury.

(a) S.I. 1980/1437, to which there are amendments not relevant to these regulations.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make amendments consequential on the passing of the Health and Social Services and Social Security Adjudications Act 1983 and the making of the Social Security (Adjudication) Regulations 1984 to various regulations made under the Social Security, Child Benefit, Supplementary Benefits, and Family Income Supplements Acts.

They substitute for references to regulations which are revoked by the Social Security (Adjudication) Regulations, or which have lapsed, references to the corresponding provisions of the latter regulations. They also substitute for references to enactments repealed by the Health and Social Services and Social Security Adjudications Act 1983 references to the corresponding provisions of the Social Security (Adjudication) Regulations 1984 or to enactments applied by those regulations. Some definitions are also substituted.

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