

1987 No. 1424

SOCIAL SECURITY

**The Social Security (Adjudication) Amendment
Regulations 1987**

Made - - - - - *6th August 1987*
Laid before Parliament *11th August 1987*
Coming into force - *1st September 1987*

The Secretary of State for Social Services, in exercise of the powers conferred upon him by section 104(5)(b) of and Schedule 20 to the Social Security Act 1975(a), and of all other powers enabling him in that behalf, by this instrument, which is made before the end of the period of 12 months from the commencement of the enactments under which it is made, hereby makes the following regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Adjudication) Amendment Regulations 1987 and shall come into force on 1st September 1987.

Amendment of the Social Security (Adjudication) Regulations 1986

2. Regulation 72 of the Social Security (Adjudication) Regulations 1986(b) shall be amended by inserting at the beginning the words "(1) Subject to paragraph (2)," and by inserting after paragraph (1) the following paragraph:

"(2) This regulation shall not apply to a review of a decision by an adjudication officer or, on a reference by an adjudication officer, by an appeal tribunal, where the ground for review is that the decision was erroneous in point of law by virtue of a determination by a Commissioner, the High Court, the Court of Appeal, the Court of Session, the House of Lords or the Court of Justice of the European Communities given subsequent to the decision."

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

6th August 1987

Nicholas Scott
Minister of State,
Department of Health and Social Security

(a) 1975 c.14; section 104(5)(b) was inserted by the Social Security Act 1986 (c.50); section 52, Schedule 5, paragraph 10(d); Schedule 20 is cited because of the meaning ascribed to the word "Regulations".
(b) S.I. 1986/2218.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which amend the Social Security (Adjudication) Regulations 1986, impose limitations on the payment of arrears of benefit where a decision is reviewed in consequence of a determination made by a Commissioner, or by other appellate bodies.

These Regulations are made under section 104(5)(b) of the Social Security Act 1975, which is inserted by the Social Security Act 1986, section 52 and Schedule 5, paragraph 10(d). This provision has not yet been in force for 12 months. Accordingly the Regulations are exempt, by section 61(5) of the Social Security Act 1986, from reference to the Social Security Advisory Committee and have not been so referred.

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