

SCHEDULE 1

Article 2

**PROVISIONS BROUGHT INTO FORCE ON 5th JULY
1999 FOR PURPOSES SPECIFIED IN ARTICLE 2(1)(b)**

<i>Provision of the Act</i>	<i>Subject matter</i>
Section 1(a)	Transfer of adjudication officer's functions to Secretary of State
Section 2(2)(a)	Use of computers
Section 4(1)(a), in so far as it relates to social security appeal tribunals and medical appeal tribunals, and (2)(a)	Unified appeal tribunals
Section 8(1)(a) and (c), (2), (3)(a) and (g), (4) and (5)(1)	Decisions by Secretary of State
Sections 9 and 10(1)	Revisions, and decisions superseding earlier decisions
Section 11(1) and (2), and (3) except the definition of "the current legislation" in so far as it relates to the Jobseekers Act 1995(2) and the Social Security (Recovery of Benefits) Act 1997(3) and the definition of the former legislation in so far as it relates to Part II of the Social Security Act 1986	Regulations with respect to decisions, and assistance from experts
Section 12(1)(a) (in so far as it relates to paragraphs 4, 5, 6(a) and 9 of Schedule 2) and (b) (in so far as it relates to paragraphs 1, 2, 3(a) and (c), 4, 5 (except in so far as that paragraph relates to section 71A of the Administration Act(4)), 6, 7 and 9 of Schedule 3), (2), (3), (4) (except in so far as it relates to section 74 of the Administration Act) and (5) to (9)(5)	Appeal to appeal tribunal
Section 13(6)	Redetermination etc. of appeals
Section 14 and Schedule 4(6)	Appeal from tribunal to Commissioner
Section 15	Appeal from Commissioner on point of law
Section 16 and Schedule 5(7)	Procedure
Section 17	Finality of decisions

(1) Sections 8 and 10 are amended by paragraphs 22 and 23 respectively of Schedule 7 to the Transfer Act.

(1) Sections 8 and 10 are amended by paragraphs 22 and 23 respectively of Schedule 7 to the Transfer Act.

(2) 1995 c. 18.

(3) 1997 c. 27.

(4) 1992 c. 5; section 71A was inserted by section 18 of the Jobseekers Act 1995 (c. 18).

(5) Section 12 and Schedule 3 are amended by paragraphs 25 and 36 respectively of Schedule 7 to the Transfer Act.

(6) Sections 13 and 14 are amended by paragraphs 26 and 27 respectively of that Schedule.

(6) Sections 13 and 14 are amended by paragraphs 26 and 27 respectively of that Schedule.

(7) Sections 16, 18 and 19 are amended by paragraphs 28, 29 and 30 respectively of that Schedule.

Status: This is the original version (as it was originally made).

<i>Provision of the Act</i>	<i>Subject matter</i>
Sections 18(1) and 19(7)	Matters arising as respects decisions, and medical examination required by Secretary of State
Section 20(1), (2) and (3)(a)(8)	Medical examination required by appeal tribunal
Sections 21 to 25(8)	Suspension and termination of benefits, and decisions dependent on other cases
Section 26	Appeals involving issues that arise on appeal in other cases
Section 27	Restrictions on entitlement to benefit in cases of error
Section 28 (except subsection (3)(d) and (e))(9)	Correction of errors, and setting aside of decisions
Sections 29 and 30	Industrial accidents
Section 39(9)	Interpretation etc. of Chapter II of Part I of the Act
Schedule 7(10) in the respects specified below, and section 86(1) in so far as it relates to them—	Minor and consequential amendments—
paragraph 11	provision as to forfeiture
paragraphs 63 to 65	provisions concerned with industrial injuries and diseases
paragraphs 66 to 71	miscellaneous provisions relating to benefits
paragraph 79(1)	claims and payments
paragraph 81	overpayments
paragraph 84	issues arising in proceedings
paragraphs 88 and 89	disclosure of information, and notification of deaths
paragraphs 101 and 102	general financial matters
paragraphs 106 to 108	reciprocal agreements, and travelling expenses
paragraph 111(b)	definition of “claimant”
paragraph 115	old cases payments
paragraph 129	information about pensions
paragraphs 130(2) and 131	decisions and appeals about pension schemes

(7) Sections 16, 18 and 19 are amended by paragraphs 28, 29 and 30 respectively of that Schedule.

(8) Sections 20 and 21 are amended by paragraphs 31 and 32 respectively of that Schedule.

(8) Sections 20 and 21 are amended by paragraphs 31 and 32 respectively of that Schedule.

(9) Sections 28 and 39 are amended by paragraphs 34 and 35 respectively of Schedule 7 to the Transfer Act.

(9) Sections 28 and 39 are amended by paragraphs 34 and 35 respectively of Schedule 7 to the Transfer Act.

(10) Certain provisions of Schedule 7 are repealed by Schedule 10 to the Transfer Act.

<i>Provision of the Act</i>	<i>Subject matter</i>
Schedule 8 in respect of the repeals specified below, and section 86(2) in so far as it relates to them— in the Administration Act— section 164(5)(a) in the Pension Schemes Act 1993— section 167(4)	repeals

SCHEDULE 2

Article 4(2)

AMENDMENT OF THE SOCIAL SECURITY (GUARDIAN'S ALLOWANCES) REGULATIONS 1975

In regulation 1(2) (interpretation), for the definition of “the determining authority” there shall be substituted the following definition—

““the determining authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under section 7 of the Social Security Act 1998, the Chief or any other Social Security Commissioner, or a tribunal consisting of any three or more such Commissioners constituted in accordance with section 16(7) of that Act;”.

SCHEDULE 3

Article 4(3)

AMENDMENT OF THE CHILD BENEFIT (GENERAL) REGULATIONS 1976

1. In regulation 14A (exception to section 6(3) of the Act)—
 - (a) in paragraph (1)(b), for the words “on review” (in both places where they occur) there shall be substituted the words “under section 9 or 10 of the Social Security Act 1998”;
 - (b) for paragraph (2) there shall be substituted the following paragraph—

“(2) In this regulation “determining authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under section 7 of the Social Security Act 1998, the Chief or any other Social Security Commissioner, or a tribunal consisting of any three or more such Commissioners constituted in accordance with section 16(7) of that Act.”.
2. In paragraph (g) of regulation 14B (prescribed conditions relating to persons subject to immigration control) for the words “reviewed under section 25 of the Social Security Administration Act 1992” there shall be substituted the words “revised under section 9 of the Social Security Act 1998 or superseded under section 10 of that Act”.

SCHEDULE 4

Article 4(4)

AMENDMENT OF THE SOCIAL SECURITY (CLAIMS AND PAYMENTS) REGULATIONS 1979

1. In regulation 2(1) (interpretation) the definition of “determining authority” shall be omitted.

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

2. In regulation 26 (obligations of claimants for, and beneficiaries in receipt of, disablement benefit)—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a) for the words “medical authority” there shall be substituted the words “medical practitioner who has experience in the issues specified in regulation 12(1) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽¹¹⁾”, and
 - (ii) in sub-paragraph (b) the words from “or by any” to the end of the sub-paragraph shall be omitted;
 - (b) in paragraph (2) for the words from “to examination” to the end of the paragraph there shall be substituted the words “to examination before the expiration of the period of 6 days beginning with the date of the notice or such shorter period as may be reasonable in the circumstances”; and
 - (c) paragraph (4) shall be omitted.

SCHEDULE 5

Article 4(5)

MODIFICATION OF THE SOCIAL SECURITY (GENERAL BENEFIT) REGULATIONS 1982

1. As if, in regulation 1(2) (citation, commencement and interpretation), for the definition of “determining authority” there were substituted the following definition—

““determining authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under section 7 of the Social Security Act 1998, the Chief or any other Social Security Commissioner appointed under Schedule 4 to that Act, or a tribunal consisting of any three or more such Commissioners constituted in accordance with section 16(7) of that Act;”.
2. As if, in regulation 11 (further definition of the principles of assessment of disablement and prescribed degrees of disablement), in paragraphs (7) and (8) for the words from “the medical appeal tribunal” to “(as the case may be)” there were substituted the words “the Secretary of State or, as the case may be, an appeal tribunal”.
3. As if, in regulation 40 (disqualification for receipt of benefit, suspension of proceedings on claims and suspension of payment of benefit), in paragraphs (2) to (4) for the words “adjudication officer, a social security appeal tribunal” there were substituted the words “Secretary of State, an appeal tribunal”.

SCHEDULE 6

Article 4(6)

AMENDMENT OF THE WORKMEN'S COMPENSATION (SUPPLEMENTATION) SCHEME 1982

1. In article 1 (citation, commencement and interpretation)—
 - (a) after the definition of “the 1965 Act” there shall be inserted the following definition ““the 1998 Act” means the Social Security Act 1998;”;

(11) S.I.1999/991.

- (b) for the definition of “the appropriate determining authority” there shall be substituted the following definition—

““the appropriate determining authority” means the Secretary of State or, as the case may be, an appeal tribunal or a Commissioner within the meaning of section 39 of the 1998 Act;”

- (c) for the definition of “claimant” there shall be substituted the following definition—

““claimant” means a person claiming an allowance and includes, in relation to the revision or supersession of a decision, a beneficiary under the award or affected by the decision;”;

- (d) the definition of “the adjudication officer” shall be omitted; and

- (e) after the definition of “medical board” there shall be inserted the following definition:—

““medical practitioner” means a medical practitioner who has experience in the issues specified in regulation 12(1) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;”.

2. In article 6(5) (amount of workmen’s compensation) for the word “review” there shall be substituted the words “revision or supersession”;

3. For article 12 (determination of questions arising under the scheme) there shall be substituted the following article—

“Determination of claims and applications for revision and supersession arising under the scheme.

12. Subject to the provisions of Part IV of this scheme, any question relating to any allowance or benefit under this scheme shall be determined as if it had arisen under Part V of the Social Security Contributions and Benefits Act 1992 and, except where this scheme otherwise provides, the provisions of the 1998 Act, and of the Social Security (General Benefit) Regulations 1982, the Social Security (Claims and Payments) Regulations 1987, the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988, the Social Security and Child Support (Decisions and Appeals) Regulations 1999 and the Social Security Commissioners (Procedure) Regulations 1999(12) which are specified in Schedule 2 to this scheme shall, with the necessary modifications, apply for the purposes of this scheme.”.

4. For article 13 (reference of questions to the medical board) there shall be substituted the following article—

“Reference for report to a medical practitioner

13.—(1) Subject to the provisions of paragraph (2) of this article, where the Secretary of State has decided that a claimant is not totally disabled as a result of pneumoconiosis for the purposes of a compensation scheme, and that claimant claims a major incapacity allowance, that claim shall be referred by the Secretary of State to a medical practitioner for advice.

(2) For the purposes of paragraph (1) of this article—

- (a) in a case where the claimant has been held in arbitration proceedings under the Workmen’s Compensation Acts to be totally disabled as a result of pneumoconiosis, the Secretary of State may determine that the claimant is so disabled without referring the question to a medical practitioner;

(12) S.I. 1999/1495.

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

- (b) in a case where the Secretary of State is of the opinion that any other decision or determination disposes of the claim, he may, without referring the question whether the claimant is totally disabled as a result of pneumoconiosis to a medical practitioner, make a decision that an award cannot be made on the claim.”.

5. For article 14 (issue of certificate by a medical board) there shall be substituted the following article—

“Provision of a report by a medical practitioner

14. Where, in pursuance of a reference under article 13 of this scheme, a medical practitioner is satisfied, having examined the claimant, that he is totally disabled as a result of pneumoconiosis, he shall report his findings to the Secretary of State accordingly.”.

6. In article 15 (radiographic examination) for the words—

- (a) “medical board” there shall be substituted the words “Secretary of State”;
- (b) “where they consider necessary, to make or cause to be made” there shall be substituted the words “where he considers it necessary, to cause to be made”.

7. In article 17 (obligations of claimants and of persons in receipt of allowances to undergo medical examination)—

- (a) in paragraph (1), the words “by a medical authority (as defined in paragraph (4) of this article)” shall be omitted;
- (b) in paragraph (2)(a), for the words “the medical board” there shall be substituted the words “a medical practitioner”;
- (c) paragraph (4) shall be omitted.

8. For article 26 (review of decisions of the Board) there shall be substituted the following article—

“26.—(1) The Secretary of State may at any time and from time to time revise or supersede any decision given by the Board under provisions of the Workmen’s Compensation (Supplementation) Scheme 1966 in force immediately before 1st July 1977, if—

- (a) the decision was erroneous in view of new facts which have been brought to his notice since the date on which the decision was given or by reason of some mistake being made with respect to the facts or the law; or
- (b) there has been any relevant change of circumstances since the decision was given.

(2) A decision of the Board may be revised or superseded by the Secretary of State on his own initiative or by application in writing to him for the purpose.

(3) Where it appears to the Secretary of State that an issue has arisen whether the decision as to an award of an allowance to which this article relates ought to be revised or superseded in accordance with the provisions of paragraph (1), he may decide that payment of the allowance shall be suspended in whole or in part until that issue has been determined.

(4) Repayment of sums by way of an allowance in pursuance of the original decision shall not be required under this article in any case where it is shown to the satisfaction of the Secretary of State that in the obtaining and receipt of the benefit the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment.

(5) For the purposes of this article a decision given under any scheme made under the 1951 Act shall be treated as if it had been given under the Workmen’s Compensation (Supplementation) Scheme 1966 as it was immediately before the

Workmen’s Compensation (Supplementation) Amendment Scheme 1977 came into operation.

(6) On a revision or supersession of a decision given by the Board under any scheme made under the 1951 Act in force before 1st March 1966 a decision given by the Secretary of State may determine any issues referred to him arising under any such scheme.”.

9. In article 33 (review)—

- (a) for the words “a question” there shall be substituted the words “an issue”;
- (b) for the words “reviewed by the adjudication officer” there shall be substituted the words “considered by the Secretary of State who may decide the issue afresh”;
- (c) for the words “the question” there shall be substituted the words “the issue”.

11. For Schedule 2 there shall be substituted the following Schedule—

“SCHEDULE 2

Articles 11 and 12

**PROVISIONS OF THE 1998 ACT OR REGULATIONS APPLICABLE
(WITH THE NECESSARY MODIFICATIONS) TO THIS SCHEME**

<i>Provisions of the 1998 Act or of Regulations</i>	<i>Subject matter</i>
Social Security Act 1998—	
Section 8	Decision by Secretary of State
Sections 9 and 10	Revisions, and supersession of decisions
Section 11	Regulations with respect to decisions.
Section 12	Appeal to an appeal tribunal
Section 14	Appeal from an appeal tribunal to Commissioner
The Social Security (General Benefit) Regulations 1982—	
Regulation 3	Suspension of payment of benefit during imprisonment etc.
The Society Security (Claims and Payments) Regulations 1987—	
Regulation 4	Making a claim for benefit
Regulation 5	Amendment and withdrawal of claim
Regulation 6	Date of claim
Regulation 16	Date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate
Regulation 17	Duration of awards
Regulation 20	Time and manner of payment: general provision
Regulation 20A	Payment on presentation of an instrument for benefit payment

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

<i>Provisions of the 1998 Act or of Regulations</i>	<i>Subject matter</i>
Regulation 21	Direct credit transfer
Regulation 22	Long term benefits
Regulation 25	Payment of attendance allowance and constant attendance allowance at a daily rate
Regulation 28	Fractional amounts of benefit
Regulation 30	Payments on death
Regulation 33	Persons unable to act
Regulation 38	Extinguishment of right to payment where not obtained within prescribed period
Regulation 47	Instruments of payment
Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988—	
Regulation 5	Offsetting prior payment against subsequent award
The Social Security and Child Support (Decisions and Appeals) Regulations 1999—	
Regulation 3	Revision of decisions
Regulation 4	Late application for a revision
Regulation 5	Date from which a decision revised under section 9 takes effect
The Social Security and Child Support (Decisions and Appeals) Regulations 1999—	
Regulation 6	Supersession of decisions
Regulation 7	Date from which a decision superseded under section 10 takes effect
Regulation 8	Effective date for late notification of change of circumstances
Regulation 12	Decisions of the Secretary of State relating to industrial injuries benefit
Regulation 16	Suspension in prescribed cases
Regulation 17	Provision of information or evidence
Regulation 18	Termination in cases of failure to furnish information or evidence
Regulation 19	Suspension and termination for failure to submit to medical examination
Regulation 20	Making of payments which have been suspended
Regulation 25	Other persons with a right of appeal

<i>Provisions of the 1998 Act or of Regulations</i>	<i>Subject matter</i>
Regulation 26	Decisions against which an appeal lies
Regulation 27	Decisions against which no appeal lies
Regulation 28	Notice of decision against which appeal lies
Regulation 30	Appeal against a decision which has been revised
Regulation 31	Time within which an appeal is to be brought
Regulation 32	Late appeals
Regulation 33	Making of appeals and applications
Regulation 34	Death of a party to an appeal
Regulation 35	Persons appointed to the panel
Regulation 36	Composition of appeal tribunals
Regulation 37	Assignment of clerks to appeal tribunals: function of clerks
Regulation 38	Consideration and determination of appeals and referrals
Regulation 39	Directions concerning oral hearings
Regulation 40	Withdrawal of appeal or referral
Regulation 41	Medical examination required by appeal tribunal
Regulation 42	Non-disclosure of medical advice or evidence
Regulation 43	Summoning of witnesses and administration of oaths
Regulation 46	Appeals which may be struck out
Regulation 47	Reinstatement of struck out appeals
Regulation 48	Misconceived appeals
Regulation 49	Procedure at oral hearings
Regulation 50	Manner of providing expert assistance
Regulation 51	Postponement and adjournment
Regulation 52	Physical examination at oral hearings
Regulation 53	Decisions of appeal tribunals
Regulation 54	Late applications for a statement of reasons of tribunal decision
Regulation 55	Record of tribunal proceedings
Regulation 56	Correction of accidental errors
The Social Security and Child Support (Decisions and Appeals) Regulations 1999—	
Regulation 57	Setting aside decisions on certain grounds

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

<i>Provisions of the 1998 Act or of Regulations</i>	<i>Subject matter</i>
Regulation 58	Application for leave to appeal to a Commissioner from an appeal tribunal
The Social Security Commissioners (Procedure) Regulations 1999—	
Regulation 5	General powers of a Commissioner
Regulation 7	Delegation of functions to authorised officers
Regulation 8	Manner of and time for service of notices, etc.
Regulation 9	Application to a Commissioner for leave to appeal
Regulation 10	Notice of application to a Commissioner for leave to appeal
Regulation 12	Notice of appeal
Regulation 13	Time limit for appealing after leave obtained
Regulation 16	Acknowledgement of a notice of appeal or a reference and notification to each respondent
Regulation 18	Respondent’s written observations
Regulation 19	Written observations in reply
Regulation 20	Directions
Regulation 22	Non-disclosure of medical evidence
Regulation 23	Requests for oral hearings
Regulation 24	Hearings
Regulation 25	Summoning of witnesses
Regulation 26	Withdrawal of applications for leave to appeal, appeals and references
Regulation 27	Irregularities
Regulation 28	Determinations and decisions of a Commissioner
Regulation 30	Correction of accidental errors in decisions
Regulation 31	Setting aside of decisions on certain grounds
Regulation 32	Provisions common to Regulations 30 and 31
Regulation 33	Application to a Commissioner for leave to appeal to the Appellate Court”

SCHEDULE 7

Article 4(7)

AMENDMENT OF THE PNEUMOCONIOSIS, BYSSINOSIS AND MISCELLANEOUS DISEASES BENEFIT SCHEME 1983

1. In article 1(2) (citation, commencement and interpretation)—
 - (a) after the definition of “the Act” the following definition shall be inserted—

““the 1998 Act” means the Social Security Act 1998;”;
 - (b) for the definition of “the appropriate determining authority” there shall be substituted the following definition—

““the appropriate determining authority” means the Secretary of State or, as the case may be, an appeal tribunal or Commissioner within the meaning of section 39 of the 1998 Act;”;
 - (c) for the definition of “claimant” there shall be substituted the following definition—

““claimant” means a person claiming an allowance or death benefit under this scheme and includes, in relation to the revision or supersession of a decision, a person affected by that decision;”;
 - (d) after the definition of “foundry” the following definition shall be inserted—

““medical practitioner” means a medical practitioner who has experience in the issues specified in regulation 12(1) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;”.
2. In article 2(2)(c) (benefit payable under this scheme), for the words “certified as provided in article 14” there shall be substituted the words “decided by the Secretary of State”.
3. In article 4(1) (allowances payable under this scheme) for the words “to the date certified by a medical board” there shall be substituted the words “to the date decided by the Secretary of State”.
4. For article 12 there shall be substituted the following article—

“Questions arising under the scheme

12. Subject to the provisions of Part IV, any question relating to any allowance or benefit under this scheme shall be determined as if it had arisen under Part V of the Social Security Contributions and Benefits Act 1992 and, except where the scheme otherwise provides, the provisions of the 1998 Act and of the Social Security (General Benefit) Regulations 1982, the Social Security (Claims and Payments) Regulations 1987, the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988, the Social Security and Child Support (Decisions and Appeals) Regulations 1999 and the Social Security Commissioners (Procedure) Regulations 1999 which are specified in Schedule 3 shall, with the necessary modifications, apply for the purposes of this scheme.”.

5. For article 13 (reference of questions in respect of pneumoconiosis or byssinosis to medical authorities) there shall be substituted the following article—

“MEDICAL REPORT

Report of a medical practitioner

13.—(1) Subject to the provisions of paragraph (3), the Secretary of State, on consideration of a claim for an allowance in respect of pneumoconiosis or byssinosis, shall refer the case to a medical practitioner for advice.

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

(2) The Secretary of State need not refer the case as provided in paragraph (1), but may determine that an award cannot be made on the claim if the claimant fails to satisfy him—

- (a) that he fulfils the conditions relating to the allowance;
- (b) that there is reasonable cause for suspecting that he is totally or partially disabled within the meaning of this scheme as a result of pneumoconiosis or byssinosis or, where he has previously been awarded an allowance in respect of partial disablement and claims that he has become totally disabled, that he is totally disabled.

(3) For the purposes of determining whether there is reasonable cause for suspecting that the claimant is totally or partially disabled by pneumoconiosis, the Secretary of State shall have power, in any case where he considers necessary, to obtain a radiological report on the case.”.

6. In article 14 (issue of certificate by medical board)—

(a) for the heading “**Issue of certificate by medical board**” there shall be substituted the following heading: “**Provision of a report by a medical practitioner**”;

(b) in paragraph (1) for the words—

- (i) “the medical board” in the first place where they occur, there shall be substituted the words “a medical practitioner”;
- (ii) “the medical board” in the second place where they occur, there shall be substituted the words “the medical practitioner”;
- (iii) “give a certificate” there shall be substituted the words “provide a report”;

(c) for paragraph (2) there shall be substituted the following paragraph—

“(2) For the purposes of the last foregoing paragraph of this article, in the case of a claimant disabled as a result of byssinosis, the medical practitioner shall not make a report as provided in this paragraph unless satisfied that the disablement is likely to be permanent, in which event he shall include in his report a statement to that effect, together with his opinion as to the degree of disablement;”

(d) for paragraph (3) substitute the following paragraph—

“(3) The medical practitioner may provide a report in accordance with the provisions of paragraph (1) without examining the claimant, if satisfied that such examination can be dispensed with, having regard to any medical reports available as a result of any previous medical examination of the claimant carried out by a medical board or a specially qualified medical practitioner or a medical practitioner, whether in accordance with this scheme or otherwise, or if the claimant has died after having claimed the allowance but before having been examined by a medical board or a medical practitioner on the reference under article 13(1).”;

(e) in paragraph (4)—

- (i) for the word “certificate” there shall be substituted the word “report”; and
- (ii) for the words “the medical board”, in both places where they appear, there shall be substituted the words “the medical practitioner”;

(f) in paragraph (5) for the words—

- (i) “adjudication officer” there shall be substituted the words “Secretary of State”; and
- (ii) “the medical board, who shall determine the question and shall give a certificate accordingly” there shall be substituted the words “a medical practitioner who shall provide a report to the Secretary of State”;

(g) paragraph (6) shall be omitted;

- (h) for paragraph (7) there shall be substituted the following paragraph—
 - “(7) A decision of the Secretary of State following the provision of a report provided under paragraph (5) stating that the deceased did not suffer from pneumoconiosis, or from pneumoconiosis accompanied by tuberculosis, may, to the extent mentioned in that paragraph, be revised by the Secretary of State.”.
- 7. In article 16 (obligation to undergo medical examination)—
 - (a) in paragraph (1) for the words “medical authority (as defined in paragraph (4))” there shall be substituted the words “medical practitioner”;
 - (b) in paragraph (2) for the words “medical board” there shall be substituted the words “medical practitioner”;
 - (c) paragraph (4) shall be omitted.
- 8. For article 26 there shall be substituted the following article—

“Review of decisions of the Administrative Board

26.—(1) The Secretary of State may at any time and from time to time revise or supersede any decision given by the Administrative Board under provisions of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 in force immediately before 1st July 1977, if—

- (a) the decision was erroneous in view of new facts which have been brought to his notice since the date on which the decision was given or by reason of some mistake being made with respect to the facts or the law; or
- (b) there has been any relevant change of circumstances since the decision was given.

(2) A decision of the Administrative Board may be revised or superseded by the Secretary of State on his own initiative or by application in writing to him for the purpose.

(3) Where it appears to the Secretary of State that an issue has arisen whether the decision as to an award of an allowance to which this article relates ought to be revised or superseded in accordance with the provisions of paragraph (1), he may decide that payment of the allowance shall be suspended in whole or in part until that issue has been determined.

(4) Repayment of sums by way of an allowance in pursuance of the original decision shall not be required under this article in any case where it is shown to the satisfaction of the Secretary of State that in the obtaining and receipt of the benefit the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment.

(5) For the purposes of this article a decision given under any scheme made under the Industrial Diseases (Benefit) Acts shall be treated as if it had been a decision given under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966 as in force immediately before 1st July 1977.

(6) On a revision or supersession of a decision given by the Administrative Board under any scheme made under the Industrial Diseases (Benefit) Acts in force before 1st March 1966 the Secretary of State may determine any issue referred to him arising under the scheme”.

- 9. For Schedule 3 there shall be substituted the following Schedule—

“SCHEDULE 3

Articles 11 and 12

**PROVISIONS OF THE 1998 ACT OR REGULATIONS APPLICABLE
(WITH THE NECESSARY MODIFICATIONS) TO THIS SCHEME**

<i>Provisions of the 1998 Act or of Regulations</i>	<i>Subject matter</i>
Social Security Act 1998—	
Section 8	Decisions by Secretary of State
Sections 9 and 10	Revisions, and supersession of decisions
Section 11	Regulations with respect to decisions.
Section 12	Appeal to an appeal tribunal
Section 14	Appeal from an appeal tribunal to Commissioner
The Social Security (General Benefit) Regulations 1982—	
Regulation 3	Suspension of payment of benefit during imprisonment etc.
The Social Security (Claims and Payments) Regulations 1987—	
Regulation 4	Making a claim for benefit
Regulation 5	Amendment and withdrawal of claim
Regulation 6	Date of claim
Regulation 16	Date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate
Regulation 17	Duration of awards
Regulation 20	Time and manner of payment: general provision
Regulation 20A	Payment on presentation of an instrument for benefit payment
Regulation 21	Direct credit transfer
Regulation 22	Long term benefits
Regulation 25	Payment of attendance allowance and constant attendance allowance at a daily rate
Regulation 28	Fractional amounts of benefit
Regulation 30	Payments on death
Regulation 33	Persons unable to act
Regulation 38	Extinguishment of right to payment where not obtained within prescribed period
Regulation 47	Instruments of payment

<i>Provisions of the 1998 Act or of Regulations</i>	<i>Subject matter</i>
Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988—	
Regulation 5	Offsetting prior payment against subsequent award
The Social Security and Child Support (Decisions and Appeals) Regulations 1999—	
Regulation 3	Revision of decisions
Regulation 4	Late application for a revision
Regulation 5	Date from which a decision revised under section 9 takes effect
The Social Security and Child Support (Decisions and Appeals) Regulations 1999—	
Regulation 6	Supersession of decisions
Regulation 7	Date from which a decision superseded under section 10 takes effect
Regulation 8	Effective date for late notification of change of circumstances
Regulation 12	Decisions of the Secretary of State relating to industrial injuries benefit
Regulation 16	Suspension in prescribed cases
Regulation 17	Provision of information or evidence
Regulation 18	Termination in cases of failure to furnish information or evidence
Regulation 19	Suspension and termination for failure to submit to medical examination
Regulation 20	Making of payments which have been suspended
Regulation 25	Other persons with a right of appeal
Regulation 26	Decisions against which an appeal lies
Regulation 27	Decisions against which no appeal lies
Regulation 28	Notice of decision against which appeal lies
Regulation 30	Appeal against a decision which has been revised
Regulation 31	Time within which an appeal is to be brought
Regulation 32	Late appeals
Regulation 33	Making of appeals and applications
Regulation 34	Death of a party to an appeal
Regulation 35	Persons appointed to the panel

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<i>Provisions of the 1998 Act or of Regulations</i>	<i>Subject matter</i>
Regulation 36	Composition of appeal tribunals
Regulation 37	Assignment of clerks to appeal tribunals: function of clerks
Regulation 38	Consideration and determination of appeals and referrals
Regulation 39	Directions concerning oral hearings
Regulation 40	Withdrawal of appeal or referral
Regulation 41	Medical examination required by appeal tribunal
Regulation 42	Non-disclosure of medical advice or evidence
Regulation 43	Summoning of witnesses and administration of oaths
Regulation 46	Appeals which may be struck out
Regulation 47	Reinstatement of struck out appeals
Regulation 48	Misconceived appeals
Regulation 49	Procedure at oral hearings
Regulation 50	Manner of providing expert assistance
Regulation 51	Postponement and adjournment
Regulation 52	Physical examination at oral hearings
Regulation 53	Decisions of appeal tribunals
Regulation 54	Late applications for a statement of reasons of tribunal decision
The Social Security and Child Support (Decisions and Appeals) Regulations 1999—	
Regulation 55	Record of tribunal proceedings
Regulation 56	Correction of accidental errors
Regulation 57	Setting aside decisions on certain grounds
Regulation 58	Application for leave to appeal to a Commissioner from an appeal tribunal
The Social Security Commissioners (Procedure) Regulations 1999—	
Regulation 5	General powers of a Commissioner
Regulation 7	Delegation of functions to authorised officers
Regulation 8	Manner of and time for service of notices, etc.
Regulation 9	Application to a Commissioner for leave to appeal
Regulation 10	Notice of application to a Commissioner for leave to appeal

<i>Provisions of the 1998 Act or of Regulations</i>	<i>Subject matter</i>
Regulation 12	Notice of appeal
Regulation 13	Time limit for appealing after leave obtained
Regulation 16	Acknowledgement of a notice of appeal or a reference and notification to each respondent
Regulation 18	Respondent’s written observations
Regulation 19	Written observations in reply
Regulation 20	Directions
Regulation 22	Non-disclosure of medical evidence
Regulation 23	Requests for oral hearings
Regulation 24	Hearings
Regulation 25	Summoning of witnesses
Regulation 26	Withdrawal of applications for leave to appeal, appeals and references
Regulation 27	Irregularities
Regulation 28	Determinations and decisions of a Commissioner
Regulation 30	Correction of accidental errors in decisions
Regulation 31	Setting aside of decisions on certain grounds
Regulation 32	Provisions common to Regulations 30 and 31
Regulation 33	Application to a Commissioner for leave to appeal to the Appellate Court”

SCHEDULE 8

Article 4(8)

AMENDMENT OF THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (PRESCRIBED DISEASES) REGULATIONS 1985

1. In regulation 1(2) (citation, commencement and interpretation)—
 - (a) after the definition of “the Act” there shall be inserted the following definition—

“the 1998 Act” means the Social Security Act 1998;”;
 - (b) the definitions of “adjudicating medical authority”, “special medical board” and “specially qualified adjudicating medical practitioner” shall be omitted;
 - (c) after the definition of “medical board” there shall be inserted the following definition—

“medical practitioner” means a medical practitioner who has experience in the issues specified in regulation 12(1) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;”.
2. In regulation 6(1)(a) (date of onset) the words “subject to the provisions of section 117(4), as modified by paragraph 1 of Schedule 3 to the Adjudication Regulations,” shall be omitted.
3. In regulation 8(4) (workmen’s compensation cases) for the word—

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- (a) “question” (in both places) there shall be substituted the word “issue”;
 - (b) “reviewed” there shall be substituted the words “revised or superseded”;
 - (c) “review” there shall be substituted the words “revision or supersession”.
- 4.** In regulation 9 (re-employment of pneumoconiotics and special provisions for benefit (workmen’s compensation cases))—
- (a) in paragraph (1) for the words “special medical board or a specially qualified adjudicating medical practitioner” there shall be substituted the words “medical practitioner”;
 - (b) in paragraph (2)—
 - (i) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
 - “(a) A medical practitioner shall provide a report to the Secretary of State to enable him to determine at what degree the extent of disablement resulting from pneumoconiosis should be assessed in his case.”;
 - (ii) in sub-paragraph (b) for the words “a specially qualified adjudicating medical practitioner, a special medical board or a medical appeal tribunal” there shall be substituted the words “the Secretary of State or an appeal tribunal”;
 - (iii) in sub-paragraph (c) for the words “to the extent certified in the decision of the specially qualified adjudicating medical practitioner, the special medical board or medical appeal tribunal given under sub-paragraph (a) of this paragraph” there shall be substituted the words “to the extent decided by the Secretary of State or an appeal tribunal”.
- 5.** In regulation 13 (benefit not payable in cases covered by the Industrial Injuries and Diseases (Old Cases) Act 1975) for the words “reversed on review” there shall be substituted the words “revised or superseded so as to terminate entitlement”.
- 6.** In regulation 15A (aggregation of percentages of disablement) for the words “Adjudication Officer” there shall be substituted the words “Secretary of State”.
- 7.** In regulation 20(1B)(a) (special conditions for disablement benefit for pneumoconiosis, byssinosis and diffuse mesothelioma) for the words “on a reassessment or review of the extent of disablement” there shall be substituted the words “on a reassessment of the extent of disablement or in consequence of an application for revision or supersession”.
- 8.** In regulation 22 (pneumoconiosis—effects of emphysema and chronic bronchitis)—
- (a) in paragraph (2)(a), for the words from “that question” to the end of the sub-paragraph there shall be substituted the words “that issue shall be determined by the Secretary of State”;
 - (b) in paragraph (2)(b) for the words—
 - (i) “adjudicating medical authority or medical appeal tribunal, as the case may be” there shall be substituted the words “Secretary of State or, as the case may be, appeal tribunal”, and
 - (ii) for the word “question” there shall be substituted the word “issue”.
- 9.** In regulation 23 (reduced earnings allowance—special provision for pneumoconiosis cases) for the words “a special medical board or a specially qualified adjudicating medical practitioner” there shall be substituted the words “the Secretary of State”.
- 10.** For regulation 24 (special requirement for pneumoconiosis claimants in unscheduled occupation cases) there shall be substituted the following regulation—

“Special requirement for pneumoconiosis claimants in unscheduled occupation cases

24.—(1) A claim for disablement benefit in respect of pneumoconiosis by a person in relation to whom the disease is prescribed by virtue of regulation 2(b)(ii) shall be referred by the Secretary of State to a medical practitioner for a report, unless the Secretary of State is satisfied on reasonable grounds that the claimant is not suffering or has not suffered from pneumoconiosis, in which case he may decide the claim without such a report.

(2) The provisions of paragraph (1) of this regulation shall apply to an appeal tribunal and a Commissioner as they apply to the Secretary of State.”.

11. In regulation 25 (time for claiming benefit in respect of occupational deafness) in paragraph (2)(d)(ii) after the words “a medical board or a medical appeal tribunal” there shall be inserted the words “or as the case may be the Secretary of State or an appeal tribunal.”

12. In regulation 27 (further claims in respect of occupational deafness)—

(a) in paragraph (1)(b) and (c) for the words “an adjudicating medical authority” there shall be substituted the words “the Secretary of State or an appeal tribunal”;

(b) for paragraph (2) there shall be substituted the following paragraph—

“(2) A claim to be paid benefit by virtue of paragraph (1)(c) may be disallowed by the Secretary of State, an appeal tribunal or a Commissioner (“the determining authority”) without reference to a medical practitioner where the determining authority is satisfied by medical evidence that the claimant is not suffering from occupational deafness.”.

13. For regulation 30 (review of assessment for unforeseen aggravation in respect of occupational deafness) there shall be substituted the following regulation—

“Supersession of a decision in respect of occupational deafness

30.—(1) The provisions of regulation 6 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 shall not apply to a decision of the Secretary of State in respect of occupational deafness until after the expiry of 5 years from the date of commencement of the period taken into account by that decision.

(2) The provisions of regulation 6 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 shall not apply to an assessment of the extent of disablement in respect of occupational deafness which is less than 20 per cent.”.

14. For regulation 31 (leave of medical appeal tribunal to review assessment in certain cases), there shall be substituted the following regulation—

“Requirement for leave of appeal tribunal

31. Subject to the provisions of regulation 30 and notwithstanding the provisions of regulation 6 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999, a decision of a medical board, medical appeal tribunal, the Secretary of State or an appeal tribunal that a person is entitled to a life assessment in respect of occupational deafness, shall not be revised or superseded without leave of an appeal tribunal; but in the case of a provisional assessment in respect of occupational deafness no such leave shall be required.”.

15. For regulation 32 (no appeal against initial provisional assessment of disablement in respect of occupational deafness) there shall be substituted the following regulation—

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“No appeal against a decision of disablement in respect of occupational deafness

32. No appeal shall lie against an initial provisional assessment of the extent of disablement in respect of occupational deafness.”.

16. In regulation 34 (assessment of extent of disablement and rate of disablement benefit payable in respect of occupational deafness)—

- (a) in paragraph (7)(a) and (b) for the words “reviewed or varied” there shall be substituted the words “revised or superseded”;
- (b) in paragraph (7)(b)(ii) for the words “review or variation” there shall be substituted the words “revision or supersession”.

17. In regulation 35 (commencement date of period of assessment in respect of occupational deafness) the words “the provisions of section 108 and” shall be omitted.

18. In regulation 40(2) (conditions of suspension) for the words “A special medical board or specially qualified adjudicating medical practitioner” there shall be substituted the words “The Secretary of State”.

SCHEDULE 9

Article 4(9)

**MODIFICATION OF THE SOCIAL SECURITY
(CLAIMS AND PAYMENTS) REGULATIONS 1987**

1. As if, in regulation 2(1) (interpretation)—

- (a) for the definition of “adjudicating authority” there were substituted the following definition:

““adjudicating authority” means any person or body with responsibility for making decisions about claims for benefit or related matters;”;

- (b) in paragraph (c) of the definition of “claim for benefit”, for the word “review” (in both places where that word appears) there were substituted the words “revision or supersession under section 9 or 10 of the Social Security Act 1998”.

2. As if, in regulation 13(2) (advance claims and awards), for the words “reviewed” there were substituted the words “revised or superseded under section 9 or 10 of the Social Security Act 1998”.

3. As if, in regulation 17(4) (duration of awards), for the word “reviewed” there were substituted the words “revised or superseded under section 9 or 10 of the Social Security Act 1998”.

4. As if, in regulation 31(4) (time and manner of payments of industrial injuries gratuities), for the word “varied” (in both places where that word appears) there were substituted the words “revised or superseded under section 9 or 10 of the Social Security Act 1998”.

5. As if, in the heading to Part V, the words “SUSPENSION AND” were omitted, and as if regulations 37 to 37B (suspension and withholding of benefit) were omitted.

SCHEDULE 10

Article 4(10)

MODIFICATION OF THE SOCIAL SECURITY (PAYMENTS ON ACCOUNT, OVERPAYMENTS AND RECOVERY) REGULATIONS 1988

1. As if, in regulation 1(2) (interpretation), for the definition of “adjudicating authority” there were substituted the following definition:—

““adjudicating authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under section 7 of the Social Security Act 1998, the Chief or any other Social Security Commissioner, or a tribunal consisting of any three or more such Commissioners constituted in accordance with section 16(7) of that Act.”.

2. As if, in regulation 2, in paragraph (1)(b) (making of interim payments), for the word “review” there were substituted the words “revision, supersession,”.

3. As if, in Case 1 in regulation 5(2) (offsetting prior payment against subsequent award)—

(a) in the heading, after the word “revised” there were inserted the word “superseded”; and

(b) for the words “varied on appeal or revised on a review” there were substituted the words “revised or superseded or is varied on appeal”.

4. As if, in regulation 8(2) (duplication and prescribed payments), for the word “review” there were substituted the words “revision, supersession”.

5. As if, in regulation 12 (circumstances in which determination need not be revised)—

(a) for the words “variation or revision” there were substituted the words “variation, revision or supersession”; and

(b) for the words “reviewing and revising” there were substituted the words “revising or superseding”.

SCHEDULE 11

Article 4(11)

MODIFICATION OF THE SOCIAL SECURITY BENEFIT (DEPENDENCY) REGULATIONS 1977

As if, in regulation 1(2) (interpretation), for the definition of “the determining authority” there were substituted the following definition:—

““the determining authority” means, as the case may require, the Secretary of State, an appeal tribunal constituted under section 7 of the Social Security Act 1998, the Chief or any other Social Security Commissioner, or a tribunal consisting of three or more such Commissioners constituted in accordance with section 16(7) of that Act”.

SCHEDULE 12

Article 5

TRANSITIONAL PROVISIONS

1.—(1) In this Schedule, unless the context otherwise requires—

“adjudicating authority” means an adjudication officer, an adjudicating medical practitioner, a specially qualified adjudicating medical practitioner, a medical board or a special medical board;

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“appellate authority” means a medical appeal tribunal or a social security appeal tribunal;
“the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1995(13);
“decision”, in relation to any period before 5th July 1999, includes a determination, and “decided” is to be construed accordingly;
“legally qualified panel member” has the same meaning as in the Regulations;
“the Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999(14); and
“relevant benefit” means any of the benefits mentioned in article 2(1)(b)(i) to (iii) of this Order.

- (2) Any reference in paragraphs 6 to 12 of this Schedule to—
- (a) an appeal to an appellate authority is to be construed as a reference to an appeal in relation to the decision of an adjudicating authority as respects a relevant benefit; and
 - (b) a decision of an appellate authority is to be construed as a reference to a decision of such an appeal.

2. Any matter which before 5th July 1999 fell to be decided in relation to a relevant benefit by an adjudicating authority but which has not been decided immediately before that date shall be decided on or after that date by the Secretary of State under paragraph (a) or, as the case may be, paragraph (c) of section 8(1).

3.—(1) Any application duly made before 5th July 1999 for a review of a decision of an adjudicating authority in relation to a relevant benefit which was not decided before that date shall on or after that date be treated as an application to the Secretary of State—

- (a) where the application was made within one month of the date on which the applicant was notified of the decision, or within such longer period as may be allowed under sub-paragraph (2) below, for a revision of that decision under section 9; or
- (b) in any other case, for a decision under section 10 to supersede that decision.

(2) Subject to sub-paragraphs (3) and (4) below, the period of one month specified in sub-paragraph (1)(a) above may be extended where an application for such an extension is made before 5th August 2000 by a claimant or a person acting on his behalf containing—

- (a) the grounds on which an extension of time is sought; and
- (b) sufficient details of the decision to enable it to be identified.

(3) An application for an extension of time shall not be granted under sub-paragraph (2) above unless the Secretary of State is satisfied that—

- (a) it is reasonable to grant that application;
- (b) the application for review has merit; and
- (c) special circumstances are relevant to the application for extension of time as a result of which it was not practicable for the application for review to be made within one month of the date of the adjudicating authority’s decision being notified to the claimant.

(4) In deciding whether to grant an extension of time no account shall be taken of the following factors—

- (a) that the claimant or any person acting for him misunderstood or was unaware of the law applicable to his case (including misunderstanding or being unaware of the period specified in sub-paragraph (1)(a) above); or

(13) S.I. 1995/1801; regulations 3 and 10 have been amended by S.I. 1996/182 and 2450.

(14) S.I. 1999/991, as amended by S.I.1999/1466, 1623, 1662 (C.47) and 1670.

(b) that a Social Security Commissioner or a court has taken a different view of the law from that previously understood and applied by the adjudicating authority.

(5) Where, by virtue of sub-paragraph (1)(b) above—

(a) a decision is made under section 10 which is advantageous to the applicant; and

(b) the same decision could have been made by the adjudicating authority prior to 5th July 1999 on the application for review,

that decision shall take effect from the date from which it would have taken effect had the decision been so made.

4.—(1) Where, before 5th July 1999, a decision has been made by an adjudicating authority in relation to a relevant benefit, that decision shall be treated on or after that date as a decision of the Secretary of State under paragraph (a) or, as the case may be, paragraph (c) of section 8(1).

(2) Where, before that date, any person was required to give notice to the claimant of that decision of the adjudicating authority, and such notice has not been given to the claimant before that date, the Secretary of State shall on or after that date give notice to the claimant of that decision.

5.—(1) Where—

(a) a decision of an adjudicating authority in relation to a relevant benefit has been made before 5th July 1999; and

(b) the period within which an appeal may be made in relation to that decision has not expired before that date,

regulation 3 of the Adjudication Regulations as it relates to the period within which an appeal may be made, or any extension of that period, shall, notwithstanding regulation 59 of the Regulations, continue to have effect, subject to the modifications in sub-paragraph (2) below, with respect to any appeal to an appeal tribunal on or after that date in relation to that decision.

(2) The modifications referred to in sub-paragraph (1) above are—

(a) as if references to a chairman or to a person considering the application were references to a legally qualified panel member;

(b) as if references to a tribunal were references to an appeal tribunal constituted under section 7; and

(c) as if in paragraph (3E) for the words from “6 years” to the end of the paragraph there were substituted the words “5th August 2000”.

6. An appeal to an appellate authority which was duly made before 5th July 1999 and which has not been determined before that date shall, without prejudice to Chapter III of Part V of the Regulations, be treated on or after that date as an appeal duly made to an appeal tribunal in relation to a decision of the Secretary of State under section 8.

7.—(1) This paragraph applies where a clerk to an appellate authority has before 5th July 1999 given a direction under regulation 22(1) of the Adjudication Regulations in connection with an appeal to that authority, and the notification mentioned in paragraph (1A) of that regulation 22 has not been received by the clerk before that date.

(2) A notification in response to such a direction given under that regulation 22(1) shall be in writing and shall be made within 14 days of receipt of the direction or within such other period as the clerk to an appeal tribunal may direct.

(3) An appeal may be struck out by the clerk to an appeal tribunal where the notification referred to in sub-paragraph (2) above is not received within the period specified in that sub-paragraph.

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(4) An appeal which has been struck out in accordance with sub-paragraph (3) above shall be treated for the purpose of reinstatement as if it had been struck out under regulation 46 of the Regulations.

(5) An oral hearing of the appeal shall be held where—

- (a) a notification is received by the clerk to the appeal tribunal under sub-paragraph (2) above; or
- (b) the chairman or, in the case of an appeal tribunal which has only one member, that member of the appeal tribunal is satisfied that such a hearing is necessary to enable the appeal tribunal to reach a decision.

8. Where an appeal to an appellate authority has been struck out under regulation 7 of the Adjudication Regulations, a legally qualified panel member may on or after 5th July 1999, on an application made by any party to the proceedings not later than three months from the date of the order under paragraph (1) of that regulation, reinstate the appeal if he is satisfied that—

- (a) the applicant did not receive a notice under paragraph (2) of that regulation; and
- (b) the conditions in paragraph (2A) of that regulation were not satisfied,

and the appeal shall then be treated as an appeal to an appeal tribunal in relation to a decision of the Secretary of State under section 8.

9. An appeal tribunal shall completely rehear any appeal to an appellate authority which stands adjourned immediately before 5th July 1999.

10. A copy of a statement of—

- (a) the reasons for a decision of an appellate authority; and
- (b) its findings on questions of fact material thereto,

shall be supplied by the Secretary of State to each party to the proceedings before that authority, if requested by any such party within 21 days of the date on which notification of that decision was given or sent.

11.—(1) Subject to sub-paragraph (2) below, any decision of an appellate authority shall, for the purposes of sections 13 and 14, be treated as a decision of an appeal tribunal.

(2) Where sub-paragraph (1) above applies, any application for leave to appeal which is made for the purposes of section 14(10)(a) shall be made no later than 3 months after the date on which a copy of the statement of the decision of the appellate authority was given or sent to the applicant.

12.—(1) Subject to sub-paragraph (3) below, regulation 10 of the Adjudication Regulations, and regulation 3 of those Regulations in so far as it relates to that regulation 10, shall, notwithstanding regulation 59 of the Regulations, continue to have effect on and after 5th July 1999, subject to the modifications specified in sub-paragraph (2) below, in relation to any application to set aside a decision of an appellate authority.

(2) The modifications referred to in sub-paragraph (1) above are—

- (a) as if, in that regulation 3, or in paragraph (1) of that regulation 10 any reference to the adjudicating authority which gave the decision or to an authority of like status were a reference to an appeal tribunal constituted under section 7; and
- (b) as if, in that regulation 3, for the reference to a chairman there were substituted a reference to a legally qualified panel member.

(3) Paragraph (1) above shall not apply in any case where an application to set aside a decision of an appellate authority is made after 5th August 2000.

13. Where, immediately before 5th July 1999, payment of a relevant benefit was suspended or withheld by virtue of any provision of Part V of the Social Security (Claims and Payments) Regulations 1987(**15**) (suspension and extinguishment), the provisions of Chapter I of Part III of the Regulations (suspension and termination) shall, on or after that date, apply with respect to that suspension or withholding as if it were a suspension imposed by virtue of those provisions.

(15) S.I. 1987/1968; relevant amendments to Part V were made by S.I. 1992/247, 1993/2113, 1994/2319 and 1996/1460 and 2306.