

## SCHEDULE 5

Article 3(5)

### MODIFICATION OF THE COMMUNITY CHARGES (DEDUCTIONS FROM INCOME SUPPORT) (SCOTLAND) REGULATIONS 1989

1. As if in regulation 1(2)(1) (interpretation)—
  - (a) the definition of “adjudication officer” were omitted;
  - (b) for the definition of “Commissioner” there were substituted the following definition—

““Commissioner” means the Chief or any other Social Security Commissioner appointed in accordance with section 14(12) of, and Schedule 4 to, the Social Security Act 1998 and includes a Tribunal of Commissioners constituted in accordance with section 16(7) of that Act;” and
  - (c) for the definition of “tribunal” there were substituted the following definition—

““tribunal” means an appeal tribunal constituted under Chapter I of Part I of the Social Security Act 1998; and”.
2. As if in regulation 2(2) (deductions from income support or jobseeker’s allowance)—
  - (a) in paragraph (4)—
    - (i) the words “refer it to an adjudication officer who shall” were omitted;
    - (ii) in sub-paragraph (a)—
      - (aa) for the words “the Secretary of State” there were substituted the word “him”;
      - (bb) for the words “adjudication officer” there were substituted the words “Secretary of State”;
    - (iii) in sub-paragraph (aa)—
      - (aa) for the words “the Secretary of State” there were substituted the word “him”;
      - (bb) for the words “the adjudication officer” there were substituted the word “he”; and
  - (b) in paragraph (5)—
    - (i) for the words “or review” there were substituted the words “, revision or supersession”;
    - (ii) for the words “adjudication officer” there were substituted the words “Secretary of State”.
3. As if in regulation 2A(3) (deductions from debtor’s jobseeker’s allowance) for the words—
  - (a) “adjudication officer” in both places in which they occur there were substituted the words “Secretary of State”; and
  - (b) “the Secretary of State” in both places in which they occur there were substituted the word “he”.
4. As if in regulation 3 (notification of decision)—
  - (a) for the words “the adjudication officer's” there were substituted the word “his”; and
  - (b) the words “after he receives that decision” were omitted.
5. As if regulation 5 (appeal) there were substituted the following regulation—

---

(1) The relevant amending instrument is S.I.1990/113.

(2) The relevant amending instruments are S.I. 1990/113, 1992/1026 and 1996/2344.

(3) Regulation 2A was inserted by S.I. 1996/2344.

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

“**5.**—(1) Where the Secretary of State has determined a question under regulation 2(4), the debtor may appeal to a tribunal.

(2) Subject to section 13 of the Social Security Act 1998, an appeal lies to a Commissioner from the decision of a tribunal.”

- 6.** As if regulations 6 to 11 were omitted.
- 7.** As if Schedules 1 and 2 were omitted.