

Social Security Act 1998

CHAPTER 14

Note: The material reproduced below is limited to what is relevant to child support comprising sections 1(c); 2(1),(2)(d) & (g); 3(1), (2), (3); 4(1)(b), (2)(b); 17(2)(b); 40 - 44; 84 extracts; Sch 1 para 4(1)(a) & (2); Sch 2 para 8; Sch 6 para 9; Sch 7 paras 18 -54; Sch 8 extracts. The full Act is reproduced in volume 1 of The Law Relating to Social Security.

[Provisions in this Act which, by the date of issue of the latest supplement to this work, had not been commenced for any purpose are printed below in italic.]

An Act to make provision as to the making of decisions and the determination of appeals under enactments relating to social security, child support, vaccine damage payments and war pensions; to make further provision with respect to social security; and for connected purposes.

Decisions

- 1.** The following functions are hereby transferred to the Secretary of State, namely-
- (a)
 - (b)

Transfer of functions to Secretary of State.

[¹(c) . the functions of child support officers appointed under section 13 of the Child Support Act 1991 (“the Child Support Act”).]

2.—(1) Any decision, determination or assessment falling to be made or certificate falling to be issued by the Secretary of State under or by virtue of a relevant enactment, or in relation to a war pension, may be made or issued not only by an officer of his acting under his authority but also-

Use of computers.

- (a) by a computer for whose operation such an officer is responsible; and
- (b) in the case of a decision, determination or assessment that may be made or a certificate that may be issued by a person providing services to the Secretary of State, by a computer for whose operation such a person is responsible.

(2) In this section “relevant enactment” means any enactment contained in-

- (d) the Child Support Act;
.....
- (g) the Child Support Act 1995; or
.....

3.—(1) Subsection (2) below applies to information relating to social security, child support or war pensions which is held-

Use of information.

- (a) by the Secretary of State or the Northern Ireland Department; or
- (b) by a person providing services to the Secretary of State or the Northern Ireland Department in connection with the provision of those services.

¹ S.1(c) came into force (1.6.99) by reg. 2(a) of S.I. 1999/1510.

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Ss 3-4, 17, 40-42

(2) Information to which this subsection applies-

- (a) may be used for the purposes of, or for any purposes connected with, the exercise of functions in relation to social security, child support or war pensions; and
- (b) may be supplied to, or to a person providing services to, the Secretary of State or the Northern Ireland Department for use for those purposes.

(3) The following sections, namely-

- (a) section 122C of the Administration Act (supply of information to authorities administering benefit); and
- (b) section 122D of that Act (supply of information by authorities administering benefit),

shall each have effect as if the reference in subsection (1) to social security included references to child support and war pensions.

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Appeals

Unified appeal Tribunals.

4.—(1) Subject to the provisions of this Act—

.....

[¹(b) the functions of child support appeal tribunals established under section 21 of the Child Support Act; and]

.....

(2) Accordingly appeals under—

.....

[¹(b) section 20 of the Child Support Act, as substituted by section 42 below;]

.....

shall be determined by appeal tribunals so constituted (in the following provisions of this Chapter referred to as “appeal tribunals”).

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Finality of decisions.

17.—(1) Subject to the provisions of this Chapter, any decision made in accordance with the foregoing provisions of this Chapter shall be final; and subject to the provisions of any regulations under section 11 above, any decision made in accordance with those regulations shall be final.

(2) If and to the extent that regulations so provide, any finding of fact or other determination embodied in or necessary to such a decision, or on which such a decision is based, shall be conclusive for the purposes of-

- (b) decisions made under the Child Support Act; and

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CHAPTER III

OTHER DECISIONS AND APPEALS

CHILD SUPPORT

Child support: revision of decisions.

40.S. 40 substitutes s.16 of the Child Support Act 1991.

Child support: decisions superseding earlier decisions.

41.S. 41 substitutes Ss. 17 to 19 of the Child Support Act 1991.

Child support: appeals to appeal tribunals.

42.S. 42 substitutes Ss. 20 to 21 of the Child Support Act 1991.

¹ S.4(1)(b) & (2)(b) came into force (1.6.99) by reg. 2(b) of S.I. 1999/1510.

43.S. 43 inserts Ss 28ZA & 28ZB into the Child Support Act 1991.

Child Support: decisions and appeals dependant or other cases.

44.S. 44 inserts S. 28ZC & 28ZD into the Child Support Act 1991.

Child Support: cases of error.

84. In this Act-

Interpretation: general.

“the Child Support Act” means the Child Support Act 1991;

SCHEDULES

SCHEDULE 1

APPEAL TRIBUNALS: SUPPLEMENTARY PROVISIONS

Remuneration etc.

[¹4.—(1) The Secretary of State may pay-

- (a) to any person required to attend at any proceedings under section 12 of this Act or section 20 of the Child Support Act; or]

[¹such travelling and other allowances as he may determine.

(2) In this paragraph references to travelling and other allowances include references to compensation for loss of remunerative time but such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under paragraph 3 above.]

SCHEDULE 2

DECISIONS AGAINST WHICH NO APPEAL LIES

Reduction in accordance with reduced benefit direction

8. A decision to reduce the amount of a person’s benefit in accordance with a reduced benefit direction (within the meaning of section 46 of the Child Support Act).

[²Reduction in accordance with reduced benefit decision

8. A decision to reduce the amount of a person’s benefit in accordance with a reduced benefit decision (within the meaning of section 46 of the Child Support Act).]

¹ S. 4(1)(a) & (2) came into force (1.6.99) by reg. 2(c) of S.I. 1999/1510.

² Para. 8 of Sch. 2 substituted (3.3.03) for the purposes of certain cases only (see S.I. 2003/192 at page 4141) by Child Support, Pension & Social Security Act 2000 (c. 19), Sch. 3, para. 15.

SCHEDULE 6

TRANSITORY PROVISIONS

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Child support: appeals to tribunals

9. *In relation to appeals brought after the passing of this Act and any time before the commencement of section 42 of this Act, section 20 of the Child Support Act (appeals) shall have effect as if after subsection (4) there were inserted the following subsection--*

"(5) In deciding an appeal under this section, the tribunal shall not take into account any circumstances not obtaining at the time when the decision appealed against was made."

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

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CHILD SUPPORT ACT 1991 (c. 48)

Paras 18 to 54 only contain amendments to the Child Support Act 1991 and as such are not reproduced here.

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SCHEDULE 8

REPEALS

Sch.8 includes repeals of certain sections of the Child Support Act 1991 which are not reproduced here.

