STATUTORY INSTRUMENTS

1984 No. 1991

SOCIAL SECURITY

The Social Security (Adjudication) Amendment (No. 2) Regulations 1984

Made - - -	19*th December* 1984
Laid before Parliament	7*th January* 1985
Coming into Operation	28*th January* 1985

The Secretary of State for Social Services, after consultation with the Council on Tribunals(**a**) so far as is required, and the Social Security Advisory Committee having agreed that the proposals for the regulations need not be referred to them(**b**), in exercise of the powers conferred on him by sections 6(1) and 10 of the Family Income Supplements Act 1970(**c**), sections 112(5), 114(1) and (2) and 115 of, and Schedules 13 and 20 to, the Social Security Act 1975(**d**) and sections 2(1) and 34(1) of the Supplementary Benefits Act 1976(**e**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencment

1. These regulations may be cited as the Social Security (Adjudication) Amendment (No. 2) Regulations 1984 and shall come into operation on 28th January 1985.

Amendment of the Social Security (Adjudication) Regulations 1984

2. The Social Security (Adjudication) Regulations 1984(**f**) shall be amended as follows:—

(*a*) in regulation 2(2)(*b*) after the words "any person" there shall be inserted "(except a person undergoing training as an adjudication officer or, in the case of a medical appeal tribunal, as an adjudicating medical practitioner)";

(*b*) in regulation 6(2) after the word "Act" in the first place where it appears there shall be inserted the word "or" and for sub-paragraphs (*a*) and (*b*) there shall be substituted the following sub-paragraphs —

(**a**) *See* Tribunals and Inquiries Act 1971 (c.62), section 10.
(**b**) *See* Social Security Act 1980 (c.30), section 10(2).
(**c**) 1970 c.55; section 6(1) was substituted by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 8, paragraph 16.
(**d**) 1975 c.14.
(**e**) 1976 c.71; section 2(1) was substituted by the Health and Social Services and Social Security Adjudications Act 1983, Schedule 8, paragraph 14.
(**f**) S.I. 1984/451; relevant amending instrument is S.I. 1984/613.

"(*a*) before the hearing begins, with the consent in writing of—

(i) in a case which originated in a decision of or a reference by an adjudication officer (other than a reference pursuant to section 109(3) of the Act), the adjudication officer; or

(ii) in any other case, the Secretary of State,

and, in any case, of any other party to the proceedings; or

(*b*) after the hearing has begun, with the leave of the adjudicating authority or, in the case of a tribunal or board, its chairman, at any time before the determination is made.";

(*c*) paragraph (2) of regulation 8 is revoked;

(*d*) in regulation 19(2)(*b*) for the words "grounds of" there shall be substituted the words "the reasons for";

(*e*) in regulation 26(4), after the word "practicable" there shall be inserted the words "to the clerk, or person acting as clerk, to the tribunal from which the appeal or application was brought or by which the reference was made,";

(*f*) for regulation 29 there shall be substituted the following regulation:—

"Time limits for making written observations

29.—(1) Unless otherwise directed by the Commissioner and subject also to regulation 92(8), a party to an application, appeal or reference to a Commissioner may submit written observations thereon —

(*a*) in the case of proceedings which lie only on a question of law, within 4 weeks; and

(*b*) in any other case, within 3 months,

beginning in either case, with the day on which notice of the application, appeal or reference was received by him.

(2) Unless otherwise directed by a Commissioner and subject also to regulation 92(8), a party to an application, appeal or reference to a Commissioner may submit written observations on the written observations submitted by another party —

(*a*) in the case of observations on observations submitted pursuant to paragraph (1), within 6 weeks; and

(*b*) in any other case, within 4 weeks,

beginning, in either case, with the day on which the document to which the observations are directed was received by him.

(3) Without prejudice to the provisions of paragraphs (1) and (2), the Commissioner may direct any party to any proceedings before him to make such written observations or further written observations as may seem to him necessary to enable the question at issue to be determined and may specify the time within which they are required to be made.

(4) Any time limit imposed by or under this regulation may be extended by the Commissioner for special reasons.

(5) For the purposes of this regulation the receipt of any notice, observations or directions at a local office shall be treated as receipt by the Secretary of State or an adjudication officer as the case may be and where any notice, observations or directions are addressed to any other party and delivered (by post or otherwise) to his ordinary or last known address they shall be treated as being received by him at the date of such delivery.";

(*g*) in regulation 60(3) after the word "them" where it first appears there shall be inserted the words ", except that on such review any medical question arising in connection with a person's entitlement to an allowance shall be determined as at the date when the application for review is made"; and

(*h*) in paragraph 1 of columns (3) and (4) of Schedule 4 for the word "None" there shall be substituted "Sections 101 and 104 apply subject to the modifications made by this Schedule and regulations 67 and 71 apply instead of sections 99, 100 and 103.".

Saving

3. The amendments made by regulation 2(*f*) (time limits for making written observations) shall not apply to the submission of observations on observations received before the amendments come into operation.

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

Tony Newton,
Minister of State,
Department of Health and Social Security.

19th December 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the Social Security (Adjudication) Regulations 1984. In so far as they consist of procedural rules for tribunals the Council on Tribunals has been consulted. In so far as they do not so consist, the requirement of section 10(1) of the Social Security Act 1980, that proposals for the regulations be referred to the Social Security Advisory Committee, is dispensed with because that Committee has agreed, under section 10(2), that the proposals need not be referred to them.

The main amendments provides for a new regulation 29 which imposes time limits for making written observations in proceedings before the Commissioner and makes such limits subject to any contrary direction by the Commissioner.

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