



Social Security Act 1998

1998 CHAPTER 14

PART I

DECISIONS AND APPEALS

CHAPTER I

GENERAL

Decisions

1 Transfer of functions to Secretary of State

The following functions are hereby transferred to the Secretary of State, namely—

- (a) the functions of adjudication officers appointed under section 38 of the Social Security Administration Act 1992 (“the Administration Act”);
- (b) the functions of social fund officers appointed under section 64 of that Act; and
- (c) the functions of child support officers appointed under section 13 of the Child Support Act 1991 (“the Child Support Act”).

Modifications etc. (not altering text)

- C1** S. 1(a): transfer of functions (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), ss. 2(1)(b), 20(2), [Sch. 2 para. 5\(a\)](#) (with s. 19)

Commencement Information

- I1** S. 1 in force at 29.11.1999 for specified purposes by [S.I. 1999/3178](#), art. 2(1)(2), [Sch. 1](#) (with art. 4, [Schs. 21-23](#))
- I2** S. 1(a) in force at 5.7.1999 for specified purposes by [S.I. 1999/1958](#), art. 2(1)(b), [Sch. 1](#) (with art. 5, [Sch. 12](#))

Changes to legislation: Social Security Act 1998, Cross Heading: Decisions is up to date with all changes known to be in force on or before 26 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- I3** S. 1(a) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I4** S. 1(a) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I5** S. 1(a) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)
- I6** S. 1(c) in force at 1.6.1999 by S.I. 1999/1510, **art. 2(a)** (with arts. 48-51)

2 Use of computers

- (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—
- (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—
- (a) Chapter II of this Part;
 - (b) the Social Security Contributions and Benefits Act 1992 (“the Contributions and Benefits Act”);
 - (c) the Administration Act;
 - (d) the Child Support Act;
 - (e) the Social Security (Incapacity for Work) Act 1994;
 - (f) the Jobseekers Act 1995 (“the Jobseekers Act”);
 - (g) the Child Support Act 1995; ^{F1}...
 - (h) the Social Security (Recovery of Benefits) Act 1997; ^{F2}...
 - ^{F3}(i) the State Pension Credit Act 2002]; ^{F4} ...
 - ^{F5}(j) Part 1 of the Welfare Reform Act 2007];
 - ^{F6}(k) Part 1 of the Welfare Reform Act 2012;]^{F7}...
 - ^{F8}(l) Part 4 of that Act];
 - ^{F9}(m) Part 1 of the Pensions Act 2014;]^{F10} ...
 - ^{F11}(n) section 30 of the Pensions Act 2014;]^{F12}or
 - (o) sections 18 to 21 of the Welfare Reform and Work Act 2016].
- (3) In this section and section 3 below “war pension” has the same meaning as in section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees).

Textual Amendments

- F1** Word in s. 2(2) repealed (7.4.2003) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 3**; S.I. 2003/966, art. 2(b), Sch.
- F2** Word in s. 2(2)(h) repealed (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 8**; S.I. 2008/787, art. 2(4)(g)
- F3** S. 2(2)(i) and preceding word inserted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 1 para. 5**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)

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- F4** Word in s. 2(2) repealed (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 44(a)**; S.I. 2013/983, art. 3(1)(b)(iii)
- F5** S. 2(2)(j) and preceding word inserted (27.7.2008) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 17(2)**; S.I. 2008/787, art. 2(3)(a)
- F6** S. 2(2)(k) inserted (29.4.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 44(b)**; S.I. 2013/983, art. 3(1)(b)(iii)
- F7** Word in s. 2(2)(k) omitted (6.4.2016) by virtue of Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 32(a)**
- F8** S. 2(2)(l) and word inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 38**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F9** S. 2(2)(m) inserted (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 32(b)**
- F10** Word in s. 2(2) omitted (27.7.2017) by virtue of Welfare Reform and Work Act 2016 (c. 7), **ss. 20(3)(a)**, 36(6); S.I. 2017/802, reg. 2
- F11** S. 2(2)(n) and preceding word inserted (6.4.2017) by Pensions Act 2014 (c. 19), s. 56(1), **Sch. 16 para. 38**; S.I. 2017/297, art. 3(2) (with arts. 4, 5)
- F12** S. 2(2)(o) and preceding word inserted (27.7.2017) by Welfare Reform and Work Act 2016 (c. 7), **ss. 20(3)(b)**, 36(6); S.I. 2017/802, reg. 2

Modifications etc. (not altering text)

- C2** S. 2 applied (with modifications) (4.3.1999 for specified purposes, 5.7.1999 for specified purposes) by Pension Schemes Act 1993 (c. 48), **s. 170(1)** (as substituted by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 131 (with s. 83, Sch. 6); S.I. 1999/528, art. 2(a), Sch.; S.I. 1999/1958, art. 2(1)(b), Sch. 1 (with art. 5, Sch. 12))

Commencement Information

- I7** S. 2 in force at 29.11.1999 for specified purposes by S.I. 1999/3178, art. 2(1)(a)(2), **Sch. 1** (with art. 4, Schs. 21-23)
- I8** S. 2(1)(2)(b)-(h)(3) in force at 8.9.1998 by S.I. 1998/2209, art. 2(a), **Sch. Pt. I**
- I9** S. 2(2)(a) in force at 5.7.1999 for specified purposes by S.I. 1999/1958, art. 2(1)(b), **Sch. 1** (with art. 5, Sch. 12)
- I10** S. 2(2)(a) in force at 6.9.1999 for specified purposes by S.I. 1999/2422, art. 2(c), **Sch. 1** (with art. 4, Sch. 14)
- I11** S. 2(2)(a) in force at 5.10.1999 for specified purposes by S.I. 1999/2739, art. 2, **Sch. 1** (with art. 3, Sch. 2)
- I12** S. 2(2)(a) in force at 18.10.1999 for specified purposes by S.I. 1999/2860, art. 2(c), **Sch. 1** (with art. 4, Schs. 16-18)

3 Use of information

- (1) Subsection (2) below applies to information relating to [^{F13}any of the matters specified in subsection (1A) below] which is held—
- by the Secretary of State or the Northern Ireland Department; or
 - by a person providing services to the Secretary of State or the Northern Ireland Department in connection with the provision of those services.

[^{F14}(1A) The matters are—

- social security ^{F15}... or war pensions;
[child support ^{F17}... ;]
- ^{F16}(aa) employment or training;

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- (c) private pensions policy;
 - (d) retirement planning;
 - ^{F18}(e) [the investigation or prosecution of offences relating to tax credits;]
 - ^{F19}(f) [the Diffuse Mesothelioma Payment Scheme.]]
- (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 ^{F20}any of the matters specified in subsection (1A) above]; 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.
- ^{F21}(3)
- (4) In this section “the Northern Ireland Department” means the Department of Health and Social Services for Northern Ireland ^{F22}or the Department for Employment and Learning in Northern Ireland].
- ^{F23}(5) In this section—
- “private pensions policy” means policy relating to—
- (a) ^{F24}[occupational pension schemes or personal pension schemes (within the meaning given by section 1 of the Pension Schemes Act 1993);]^{F25}or
 - (b) occupational pension schemes or private pension schemes within the meaning of Part 1 of the Pensions Act 2008, if they do not fall within paragraph (a);]
- “retirement planning” means promoting financial planning for retirement.]

Textual Amendments

- F13** Words in s. 3(1) substituted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), s. 322(2)(a), **Sch. 10 para. 1(2)** (with s. 313)
- F14** S. 3(1A) inserted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), s. 322(2)(a), **Sch. 10 para. 1(3)** (with s. 313)
- F15** Words in s. 3(1A)(a) omitted (6.4.2010) by virtue of [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 7 para. 3(2)(a)**; S.I. 2010/697, art. 2(b)
- F16** S. 3(1A)(aa) inserted (6.4.2010) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 7 para. 3(2)(b)**; S.I. 2010/697, art. 2(b)
- F17** Words in s. 3(1A)(aa) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 64(a)**
- F18** S. 3(1A)(e) inserted (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 127(10)**, 150(2)(f)
- F19** S. 3(1A)(f) inserted (31.3.2014) by [Mesothelioma Act 2014 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 21**; S.I. 2014/459, art. 3(c)
- F20** Words in s. 3(2)(a) substituted (18.11.2004) by [Pensions Act 2004 \(c. 35\)](#), s. 322(2)(a), **Sch. 10 para. 1(4)** (with s. 313)
- F21** S. 3(3) repealed (9.9.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 8(1)**; S.I. 2002/2256, art. 2(c), **Sch.**
- F22** Words in s. 3(4) inserted (9.9.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 6 para. 1(c)**; S.I. 2002/2256, art. 2(a)

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- F23** S. 3(5) inserted (18.11.2004) by Pensions Act 2004 (c. 35), s. 322(2)(a), **Sch. 10 para. 1(5)** (with s. 313)
- F24** S. 3(5): in definition of “private pensions policy” words renumbered as para. (a) (26.1.2009) by Pensions Act 2008 (c. 30), **ss. 63(6)(a)**, 149(1); S.I. 2009/82, **art. 2(1)(a)**
- F25** S. 3(5): in definition of “private pensions policy” para. (b) and word inserted (26.1.2009) by Pensions Act 2008 (c. 30), **ss. 63(6)(b)**, 149(1); S.I. 2009/82, **art. 2(1)(a)**

Modifications etc. (not altering text)

- C3** S. 3 modified (28.6.2022) by Social Security (Additional Payments) Act 2022 (c. 38), **ss. 7(2)**, 11(2)
- C4** S. 3 modified (23.3.2023) by Social Security (Additional Payments) Act 2023 (c. 7), **ss. 7(2)**, 12(2)
- C5** S. 3(1) extended by Social Security Administration Act 1992 (c. 5), **s. 2B(9)** (as inserted (11.11.1999) by Welfare Reform and Pensions Act 1999 (c. 30), ss. 57, 89(4)(a))
- C6** S. 3(1) extended by Social Security Administration (Northern Ireland) Act 1992 (c. 8), **s. 2B(9)** (as inserted (1.12.1999) by The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147), arts. 1(4)(b), 54)
- C7** S. 3(2) applied (with modifications) (N.I.) (27.11.2006) by The Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006 (S.R. 2006/478), reg. 1, **Sch. 5**
- C8** S. 3(2)(a) applied (with modifications) (1.10.2004) by The Welfare Food Regulations 1996 (S.I. 1996/1434), reg. 22(1), **Sch. 6** (as amended by S.I. 2004/2311, regs. 1(2), 2)

Commencement Information

- I13** S. 3 in force at 8.9.1998 by S.I. 1998/2209, art. 2(a), **Sch. Pt. I**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2010/1907 reg. 16\(2\)\(c\)Sch. 2](#)
- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2010/875](#) revoked (27.8.2010) before coming into force by [S.I. 2010/1906](#), regs. 1(2), 2)
- Act power to apply (with modifications) conferred by [2004 c. 6 s. 24\(5\)-\(7\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38(1A) inserted by [2009 c. 24 s. 20\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; [S.I. 2012/3090](#), art. 2(1)(b))
- Sch. 2 para. 7A and cross-head inserted by [2012 c. 5 Sch. 2 para. 50\(3\)](#)
- Sch. 18 functions modified by [S.I. 2000/2853 reg. 3\(1\)Sch. 2 para. 4](#)
- Sch. 24 functions modified by [S.I. 2000/2853 reg. 3\(1\)Sch. 2 para. 5](#)