

## SCHEDULES

### SCHEDULE 7

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Social Security Administration Act 1992 (c. 5)*

84 For section 117 of that Act there shall be substituted the following section—

**“117 Issues arising in proceedings**

- (1) This section applies to proceedings before a court—
  - (a) for an offence under this Act or the Jobseekers Act 1995; or
  - (b) involving any question as to the payment of contributions (other than a Class 4 contribution recoverable by the Inland Revenue); or
  - (c) for the recovery of any sums due to the Secretary of State or the National Insurance Fund.
- (2) A decision of the Secretary of State which—
  - (a) falls within Part II of Schedule 3 to the Social Security Act 1998 (“the 1998 Act”); and
  - (b) relates to or affects an issue arising in the proceedings,shall be conclusive for the purposes of the proceedings.
- (3) If—
  - (a) any such decision is necessary for the determination of the proceedings; and
  - (b) the decision of the Secretary of State has not been obtained or an application with respect to the decision has been made under section 9 or 10 of the 1998 Act,the decision shall be referred to the Secretary of State to be made in accordance (subject to any necessary modifications) with Chapter II of Part I of that Act.
- (4) Subsection (2) above does not apply where, in relation to the decision—
  - (a) an appeal has been brought but not determined;
  - (b) an application for leave to appeal has been made but not determined;
  - (c) an appeal has not been brought (or, as the case may be, an application for leave to appeal has not been made) but the time for doing so has not yet expired; or
  - (d) an application has been made under section 9 or 10 of the 1998 Act.
- (5) In a case falling within subsection (4) above the court shall adjourn the proceedings until such time as the final decision is known; and that decision shall be conclusive for the purposes of the proceedings.”