



Welfare Reform Act 2012

2012 CHAPTER 5

PART 5

SOCIAL SECURITY: GENERAL

Appeals

102 Power to require consideration of revision before appeal

- (1) The Social Security Act 1998 is amended as follows.
- (2) In section 12 (appeals to First-tier Tribunal), in subsection (2)—
 - (a) the words from “in relation to” to the end become paragraph (a), and
 - (b) after that paragraph there is inserted “, or
“(b) where regulations under subsection (3A) so provide.”
- (3) After subsection (3) of that section there is inserted—
 - “(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal under subsection (2) in relation to a decision only if the Secretary of State has considered whether to revise the decision under section 9.
 - (3B) The regulations may in particular provide that that condition is met only where—
 - (a) the consideration by the Secretary of State was on an application,
 - (b) the Secretary of State considered issues of a specified description, or
 - (c) the consideration by the Secretary of State satisfied any other condition specified in the regulations.
 - (3C) The references in subsections (3A) and (3B) to regulations and to the Secretary of State are subject to any enactment under or by virtue of which the functions under this Chapter are transferred to or otherwise made exercisable by a person other than the Secretary of State.”

Status: This is the original version (as it was originally enacted).

- (4) In subsection (7) of that section—
- (a) the words from “make provision” to the end become paragraph (a);
 - (b) after that paragraph there is inserted—
 - “(b) provide that, where in accordance with regulations under subsection (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under section 9.”
- (5) In section 80(1)(a) (affirmative procedure for certain regulations) after “12(2)” there is inserted “or (3A)”.
- (6) Schedule 11 contains similar amendments to other Acts.
- (7) Subsection (8) applies where regulations under a provision mentioned in subsection (9) are made so as to have effect in relation to a limited area (by virtue of provision made under section 150(4)(b)).
- (8) Any power to make, in connection with those regulations, provision as respects decisions and appeals may be exercised so that that provision applies only in relation to the area mentioned in subsection (7).
- (9) The provisions referred to in subsection (7) are—
- (a) section 12(3A) of the Social Security Act 1998;
 - (b) section 4(1B) of the Vaccine Damage Payments Act 1979;
 - (c) subsection (2A) of section 20 of the Child Support Act 1991 (as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000);
 - (d) subsection (3A) of section 20 of the Child Support Act 1991 (as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000);
 - (e) section 11(2A) of the Social Security (Recovery of Benefits) Act 1997;
 - (f) paragraph 6(5A) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000;
 - (g) section 50(1A) of the Child Maintenance and Other Payments Act 2008.

103 Supersession of decisions of former appellate bodies

- (1) Schedule 12 contains amendments reinstating powers to make decisions superseding decisions made by appellate bodies before their functions were transferred to the First-tier Tribunal and Upper Tribunal.
- (2) The following have effect as if they had come into force on 3 November 2008—
- (a) the amendments made by Schedule 12, and
 - (b) if regulations made in the exercise of the powers conferred by virtue of those amendments so provide, those regulations.