

CpAa

Commissioner's File: CIS/250/1989

SOCIAL SECURITY ACT 1986

**APPEAL FROM DECISION OF SOCIAL SECURITY APPEAL TRIBUNAL ON A
QUESTION OF LAW**

DECISION OF THE SOCIAL SECURITY COMMISSIONER

1. For the reasons set out below, the decision of the social security appeal tribunal given on 12 June 1989 is not erroneous in point of law, and accordingly this appeal fails.

2. This is an appeal by the claimant, brought with the leave of the tribunal chairman, against the decision of the social security appeal tribunal of 12 June 1989.

3. The claimant is appealing against the decision that income support in respect of himself and his wife should be paid on a Thursday, and that his name only should be entered on the front as payee. The tribunal correctly realised that these matters did not fall within their jurisdiction. They said "matters pertaining to the issue of order books are decisions taken by the Secretary of State and are therefore not appealable to this tribunal". They were right, and accordingly their decision must stand. The adjudication officer now concerned has in his helpful submissions dated 12 February 1990 analysed the whole position, cited the relevant authorities, and concluded his remarks as follows:-

"I respectfully submit that questions as to the choice of payee and pay day are matters pertaining to the manner of payment of an award and that in accordance with the statutory provisions to which I have referred, these questions are not within the jurisdiction of the Commissioner."

I accept that submission, together with all the other submissions made by him. Just as the Commissioner has no jurisdiction, likewise the tribunal had no jurisdiction, and in taking this view they did not err in point of law.

4. Accordingly I dismiss this appeal.

(Signed) D.G. Rice
Commissioner

(Date) 3 February 1992