

JOM/RI

## SUPPLEMENTARY BENEFITS ACT 1976

APPLICATION FOR LEAVE TO APPEAL TO THE COMMISSIONER  
HIGH MINISTER OF SUPPLEMENTARY BENEFIT APPEAL  
TRIBUNAL UPON A POINT OF LAW

DECISION OF THE SOCIAL SECURITY COMMISSIONER

Name: John MacNeill (Deceased)

Supplementary Benefit Appeal Tribunal: Oban

Case No: LA/28/29

This purports to be an application on behalf of the claimant for leave to appeal to the Commissioner upon a point of law against the decision of the Oban supplementary benefit appeal tribunal dated 6 May 1981. It is presented by Mr. Oliver, Welfare Rights Adviser, Statholyde Regional Council Social Work Department, who until the claimant's death acted as his representative in connection with the claimant's appeal against a decision of the Supplementary Benefits Commission dated 21 October 1980. The claimant died on 30 December 1980 while his appeal was pending, leaving no executor or any known next of kin. The appeal was refused on 6 May 1981. Mr. Oliver's authority to act as the claimant's representative terminated on the claimant's death. He is not a person entitled to appeal to the Commissioner under the provisions of rule 8 of the Supplementary Benefit and Family Income Supplements (Appeals) Rules 1980. It is not suggested that Mr. Oliver has been authorised to act by any representative subsequently appointed to deal with any estate left by the deceased and he is not a person appointed by the Secretary of State to proceed with the claim under regulation 16 of the Supplementary Benefit (Claims and Payments) Regulations 1980. In the circumstances since Mr. Oliver has no locus standi or authority to apply for leave to appeal in this case his application including a request for an oral hearing is a nullity and must be dismissed.

received 6 Nov '81

(signed)

J. G. Mitchell

Commissioner

Date: 4 November 1981

Commissioner's File: C.S.S.B.62/81

CSBO File: S.B.O.418/81

L.O.: Oban

L.O. Ref. No: 1981-37196