

Social Security Advisory Committee

Room 344, New Court

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RULES OF PROCEDURE

Approved 1 May 2002

THE SOCIAL SECURITY ADVISORY COMMITTEE

RULES OF PROCEDURE

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Preamble

Whereas the Social Security Advisory Committee having been established and constituted under section 9 of the Social Security Act 1980^(a) and continued in being under section 170 of the Social Security Administration Act 1992^(b) is required to perform such functions and duties as are specified in subsections (1) to (3) of the said section 170 of the Administration Act;

And whereas the Social Security Advisory Committee, in pursuance of sections 172 to 174 of the Administration Act, shall -

(a) consider any proposals referred to it by the Secretary of State, and

(b) make to the Secretary of State a report containing such recommendations with regard to the subject matter as it thinks fit;

And whereas the Social Security Advisory Committee, in pursuance of sections 149 to 151 of the Northern Ireland Administration Act, shall -

(a) consider any proposals referred to it by the Department for Social Development, and

(b) make to the Department for Social Development a report containing such recommendations with regard to the subject-matter as it thinks fit;

And whereas the Social Security Advisory Committee may consider and report to the Secretary of State or the Department for Social Development, as the case may be, on any matter which appears to it appropriate in relation to its statutory functions without a reference, or a request made, by the Secretary of State or the Department for Social Development, as the case may be;

And whereas the Social Security Advisory Committee may request from the Secretary of State or the Department of Social Development, as the case may be, such information or documents as it sees fit and the Secretary of State or the Department for Social Development, as the case may be, shall furnish the Committee with such information as the Committee may reasonably require for the proper discharge of its functions;

Therefore, the Social Security Advisory Committee hereby makes, in the exercise of the powers conferred upon it by paragraph 10 of Schedule 5 to the Social Security Administration Act 1992, the following Rules of Procedure which were approved at a meeting of the Committee on 1 May 2002.

(a) 1980 c.30.

(b) 1992 c.5.

Citation, commencement and interpretation

1.-(1) These Rules may be cited as the Social Security Advisory Committee Rules of Procedure and shall come into effect on the day after their approval by the Committee.

(2) In these Rules, unless the context otherwise requires -

“the Administration Act” means the Social Security Administration Act 1992;

“the Committee” means the Social Security Advisory Committee;

“the Chairman” means the Chairman appointed by the Secretary of State to the Committee under paragraph 1 of Schedule 5 to the Administration Act;

“the Department for Social Development” means the Northern Ireland Department having responsibility for social security;

“a member” means a person appointed by the Secretary of State to the Committee under paragraphs 1 to 4 of Schedule 5 to the Administration Act and includes the Chairman and the Vice Chairman;

“the Northern Ireland Administration Act” means the Social Security Administration (Northern Ireland) Act 1992^(a);

“relevant enactments” has the same meaning as –

(a) in paragraph (5) of section 170 of the Administration Act, or

(b) in paragraph (5) of section 149 of the Northern Ireland Administration Act;

“the relevant Northern Ireland enactments” has the same meaning as in paragraph (5) of section 149 of the Northern Ireland Administration Act;

“the Secretary” means the Secretary to the Committee appointed by the Secretary of State under paragraph 5 of Schedule 5 to the Administration Act and includes such members of his staff deputed by him to act on his behalf;

“statutory function” means such function, duty or power, as are given to the Committee under sections 170 to 174 of, and Schedule 5 to, the Administration Act or sections 149 to 151 of the Northern Ireland Administration Act, as the case may be.

(3) In these Rules, unless the context otherwise requires, where the Vice Chairman acts in place of the Chairman, references to the “Chairman” shall include the “Vice Chairman”.

(4) In these Rules, unless the contrary intention appears -

(a) words importing the masculine gender include the feminine and the

(a) 1992 c.8.

feminine gender include the masculine;

(b) words in the singular include the plural and words in the plural include the singular.

(5) In these Rules, unless the contrary intention appears, references to numbered subparagraphs and paragraphs are references to the rule in which they appear.

Vice Chairman

2.-(1) A Vice Chairman may be elected by the members to serve for a period of not more than the term for which the Secretary of State appointed that person to serve as a member of the Committee.

(2) A Vice Chairman duly elected shall deputise in the absence of the Chairman.

(3) Where the Chairman dies, resigns or is unable to remain an active member of the Committee, the Vice Chairman shall deputise until such time as the Secretary of State shall appoint a new Chairman.

(4) Subject to paragraph (5), where the Vice Chairman dies, resigns or is unable to remain an active member of the Committee, the members may elect a person from among the membership to act as Vice Chairman.

(5) Where a person is elected as Vice Chairman in circumstances described in paragraph (4), he shall serve for a period of not more than the term for which the Secretary of State appointed him to serve as a member of the Committee.

(6) A Vice Chairman elected under paragraph (1) or (4) may at any time resign his office by giving notice to the Chairman before the next meeting.

Quorum

3.-(1) There shall be a quorum where the Chairman or, in his absence, the Vice Chairman and at least three other members are present at any meeting of the Committee.

(2) In the absence of the Chairman and the Vice Chairman, there shall be a quorum if -

(a) four members are present; and

(b) one of the members present is elected by those present to act as the Chairman for the duration of that meeting.

Notices

4.-(1) Where the Chairman considers that a meeting, other than a meeting determined under rule 5(2), is required, he shall instruct the Secretary to give notice, in such form as is appropriate, to the members at least 3 working days before the day of the meeting.

(2) Where the Committee has already determined the time and place of a meeting under rule 5 (2), the Secretary shall send notices to the members at least 7 days before the designated date.

(3) Any notice of a meeting which is sent to the members shall include -

(a) the agenda;

(b) any notice of a proposal, or any proposal, which the Secretary of State or the Department for Social Development, as the case may be, has referred to the Committee in relation to the making of regulations under any of the relevant enactments;

(c) any relevant documents in relation to that notice or proposal referred to in subparagraph (b);

(d) any document relevant to a presentation to be made to the Committee by officers of the Secretary of State or the Department for Social Development or any such other person as the Committee considers appropriate; and

(e) the minutes of the previous meeting.

Meetings -General

5.-(1) Subject to paragraphs (2) to (8) and rule 6, and without prejudice to rule 7, the procedure at meetings shall be determined by the Chairman presiding over the meeting.

(2) The meetings of the Committee shall be held at such times and places, as may be determined by the Committee.

(3) Where a quorum is formed in accordance with rule 3 all business shall be conducted in the name of the Social Security Advisory Committee.

(4) The Committee may resolve to consider any document in relation to any matter put before it which was not sent to the members of the Committee with the notice of meeting in accordance with rule 4(3).

(5) Where any member of the Committee believes that his interests conflict with any matter before, or under the consideration of, the Committee, he shall make a declaration accordingly. The rest of the Committee will then decide whether or not the member can participate in the discussion or determination of matters in which they have an interest, or whether they should withdraw from the meeting.

(6) The meetings of the Committee shall be held in private unless the Committee resolves to hold a meeting in public.

(7) The Secretary shall be present at all the meetings of the Committee and shall record the minutes of the proceedings.

(8) Where the Committee is of the opinion at a conclusion of any meeting, that a proposal of the Secretary of State or the Department for Social Development, as the case may be, shall not formally be referred to it, it may authorise that information to be communicated orally to the Secretary of State or the Department for Social Development, as the case may be.

Meetings-oral presentation

6.-(1) Subject to paragraph (3), where -

(a) it appears to the Chairman that the Committee may benefit from oral evidence or presentation; or

(b) the Secretary of State or the Department for Social Development, as the case may be, requests an oral hearing; or

(c) the Committee requires the assistance of any person in discharging its statutory duty;

the Committee shall determine to hold a meeting at which such oral evidence or presentation, as may be required, may be given.

(2) Where paragraph (1) applies, the Chairman may invite -

(a) the Secretary of State or the Head of the Department for Social Development or their officers;

(b) persons representing a non-governmental body; or

(c) any other person the Committee considers appropriate;

to attend the meeting.

Decisions without meetings

7.-(1) Without prejudice to rule 6 and paragraph (4), where -

(a) the Secretary of State or the Department of Social Development, as the case may be, gives notice of a proposal to make regulations under any of the relevant enactments; and

(b) it appears to the Secretary that the proposal by the Secretary of State or the Department for Social Development, as the case may be, would not require a meeting of the Committee for its consideration;

the Secretary shall, with the consent of the Chairman or, in his absence, the Vice Chairman, give notice of the proposal to every member of the Committee who shall respond, with his agreement or otherwise, within 7 days of that notice having been sent to them, or within such

longer period as the Secretary may specify, that the proposal need not be formally referred to the Committee.

(2) A failure by a member to respond to a notice of a proposal of the Secretary of State or the Department for Social Development, as the case may be, sent by the Secretary under paragraph (1) within 7 days, or within such longer period as specified by the Secretary, shall be treated as signifying an agreement that the proposal need not be formally referred to the Committee.

(3) Within 7 days, or such longer period as is reasonable in the circumstances, after the end of the period under paragraph (1) given for responses by the members, the Secretary -

(a) shall notify the Secretary of State or the Department for Social Development, as the case may be; and

(b) may notify the members of the Committee;

of the decision of the Committee in such forms as are appropriate.

(4) Where -

(a) the Secretary of State or the Department for Social Development, as the case may be, gives notice of a proposal to make regulations under any of the relevant enactments; and

(b) it appears to the Chairman that the proposal -

(i) requires urgent consideration of the Committee, and

(ii) need not be formally referred to the Committee,

the Chairman or, in his absence, the Vice Chairman, may agree on behalf of the Committee, after consultation with at least three other members of the Committee, that the proposal need not be formally referred to the Committee.

Voting

8.-(1) Any member is entitled to call for a vote on any issue after due discussion by the Committee.

(2) Where a decision of the Committee requires to be voted upon, the question shall be put in a form of a motion which shall be seconded by at least one other member.

(3) Subject to paragraph (5), every member shall have one vote.

(4) Subject to paragraph (6), where a question is put to a vote, the Chairman shall -

(a) call on the members to vote for or against the motion by raising their hands; and

(b) declare that the motion has been carried or not carried, as the case may be.

(5) Where the votes are equal on any motion, the Chairman shall have a second or casting vote.

(6) Where a Vice Chairman is to be elected under rule 2, the members shall cast their vote by way of a ballot.

Minutes

9.-(1) The Secretary shall record the minutes of every meeting.

(2) The record of the minutes shall be submitted to the Committee at its next meeting for the agreement or otherwise of the members.

(3) The record of the minutes shall include -

(a) the names of -

(i) every member present at the meeting of the Committee, and

(ii) any other person present;

(b) the withdrawal from a meeting of any member on account of a conflict of interest; and

(c) any declaration of interest.

(4) Where the Committee makes a decision in the circumstances described under rule 7(1) the Secretary shall record the events and treat the record as if it were the minutes.

(5) Where the Chairman makes a decision in the circumstances described in rule 7(4) it shall be recorded in the minutes of any subsequent meeting.

(6) The Chairman may require the minutes, in whole or in part, of a meeting to be sent to any person who appeared before, gave evidence to, or assisted, the Committee in order that that person may scrutinise them for accuracy in relation to him.

(7) Without prejudice to paragraph (6), the Chairman may cause the minutes of any meeting to be sent in such form as he deems appropriate to any person he deems appropriate.

Consultation

10.(1) Where the Committee is of the opinion that -

(a) a proposal by the Secretary of State or, as the case may be, the Department for Social Development, to make regulations under any of the relevant enactments; or

(b) any matter in relation to its performance of its functions;

may benefit from the input of a wide range of opinion and of the views of interested persons, bodies or organisations it shall -

(c) circulate a memorandum to -

(i) the organisations, bodies or persons, or any of them the Committee deems appropriate in the circumstances, contained in a list maintained by the Committee which shall be made available to any person who requests it, and

(ii) any other organisation, body or person not included in the list that the Committee deems appropriate in the circumstances;

(d) invite, within such period as may be specified by the Committee, comments or observations from those organisations, persons and bodies, and the public generally.

(2) The Committee shall give notice of, and publish the details relating to, any public consultation it undertakes under paragraph 1 in such manner as it sees fit and in such form as it considers appropriate.

(3) Where a person, a body or an organisation is not included in the list mentioned in paragraph (1)(c)(i) it may make an application to the Committee to be included.

(4) The Committee may include in the list mentioned in paragraph (1)(c)(i) any person, body or organisation which makes an application under paragraph (3), if it is of the opinion that the functions or the activities of the applicant fall within the statutory functions or duties of the Committee.

(5) The Committee may remove from the list mentioned in paragraph (1)(c)(i) the name of any person, body or organisation whose functions or activities no longer correspond to, or fall within, the statutory functions or duties of the Committee.

Recommendations and reports

11.-(1) The report of the recommendations of the Committee in relation to a proposal of the Secretary of State or the Department for Social Development, as the case may be, to make regulations shall be conveyed in writing to the Secretary of State or the Head of the Department for Social Development, as the case may be.

(2) The Committee shall publish an annual stewardship report of its activities.

(3) The Committee may publish such other papers and reports as it deems appropriate.

(4) The papers mentioned in paragraphs (2) and (3) shall be published in such form as the

Committee considers appropriate.