
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 208

**The Social Security, Child Support and Mesothelioma
Lump Sum Payments (Decisions and Appeals)
(Amendment) Regulations (Northern Ireland) 2016**

Amendment of the Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations

4.—(1) The Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations (Northern Ireland) 2008⁽¹⁾ are amended in accordance with paragraphs (2) and (3).

(2) In regulation 4 (reconsideration) for paragraph (1) substitute—

“(1) An application made to the Department for reconsideration of a determination that a payment should or should not be made must—

(a) be made—

- (i) within one month of the date of notification of the determination,
- (ii) where a written statement is requested under regulation 4B(3) (reconsideration before appeal) and is provided within the period specified in head (i), within 14 days of the expiry of that period,
- (iii) where a written statement is requested under regulation 4B(3) and is provided after the period specified in head (i), within 14 days of the date on which the statement is provided, or
- (iv) within such longer period as may be allowed under regulation 4A (late application for reconsideration); and

(b) specify the ground for the request and give such other relevant information as the Department may require in order to deal adequately with the reconsideration.”.

(3) After regulation 4 insert—

“Late application for reconsideration

4A. Where, in a case to which regulation 4B (reconsideration before appeal) applies, the Department considers there was good cause for not applying for reconsideration of a determination within the time limit specified in regulation 4(1), it may extend the time limit for such period as it considers appropriate in the circumstances.

Reconsideration before appeal

4B.—(1) This regulation applies in a case where—

- (a) the Department gives a person written notice of a determination made on a claim; and

(1) [S.R. 2008 No. 353](#), to which there are amendments not relevant to these Regulations.

- (b) that notice includes a statement to the effect that there is a right of appeal against the determination only if the Department has, on an application, decided whether to reconsider the determination.
- (2) In a case to which this regulation applies, a person may appeal under section 5 of the Mesothelioma, etc., Act (Northern Ireland) 2008 against the determination only if the Department has decided on an application whether to reconsider the determination under section 4 of that Act.
- (3) The notice referred to in paragraph (1) must inform the person—
 - (a) of the time limit specified in regulation 4(1) for making an application for reconsideration of the determination; and
 - (b) that, where the notice does not include a statement of the reasons for the determination (“written reasons”), he may, within one month of the date of notification of the determination, request that the Department provide him with written reasons.
- (4) Where written reasons are requested under paragraph (3)(b), the Department must provide them within 14 days of receipt of the request or as soon as practicable afterwards.
- (5) Where, as the result of paragraph (2), there is no right of appeal against a determination made on a claim, the Department may treat any purported appeal as an application for reconsideration of the determination under section 4 of that Act.”.