
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 221

The Universal Credit, Personal Independence
Payment, Jobseeker's Allowance and Employment
and Support Allowance (Decisions and
Appeals) Regulations (Northern Ireland) 2016

PART 2

Revision

CHAPTER 1

Revision on any grounds

Revision on any grounds

5.—(1) Any decision of the Department under Article 9 or 11 of the 1998 Order⁽¹⁾ (“the original decision”) may be revised by the Department if—

- (a) the Department commences action leading to the revision within one month of the date of notification of the original decision; or
- (b) an application for a revision is received by the Department at an appropriate office within—
 - (i) one month of the date of notification of the original decision (but subject to regulation 38(4) (correction of accidental errors)),
 - (ii) 14 days of the expiry of that period if a written statement of the reasons for the decision is requested under regulation 7 (consideration of revision before appeal) or 50 (notice of a decision against which an appeal lies) and that statement is provided within the period specified in head (i),
 - (iii) 14 days of the date on which that statement was provided if the statement was requested within the period specified in head (i) but was provided after the expiry of that period, or
 - (iv) such longer period as may be allowed under regulation 6 (late application for a revision).

(2) Paragraph (1) does not apply—

(1) Article 9 was amended by paragraph 16 of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999, Part VII of Schedule 13 to the Welfare Reform and Pensions Act 1999, Schedule 6 to the Tax Credits Act 2002, paragraph 6 of Schedule 1 to the State Pension Credit Act (Northern Ireland) 2002, paragraph 10(3) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 and is amended by paragraph 36 of Schedule 2 and paragraph 37 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015 and Article 11 was amended by paragraph 17 of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999.

- (a) in respect of a relevant change of circumstances which occurred since the decision had effect or, in the case of an advance award under regulation 31, 32 or 33 of the Claims and Payments Regulations, since the decision was made;
- (b) where the Department has information or evidence which indicates that a relevant change of circumstances will occur;
- (c) in respect of a decision which relates to an employment and support allowance or personal independence payment where the claimant is terminally ill, unless the application for a revision contains an express statement that the claimant is terminally ill.

Late application for a revision

6.—(1) The Department may extend the time limit specified in regulation 5(1) (revision on any grounds) for making an application for a revision if all of the following conditions are met.

(2) The first condition is that the person wishing to apply for the revision has applied to the Department at an appropriate office for an extension of time.

(3) The second condition is that the application—

- (a) explains why the extension is sought;
- (b) contains sufficient details of the decision to which the application relates to enable it to be identified; and
- (c) is made within 13 months of the latest date by which the application for revision should have been received by the Department in accordance with regulation 5(1)(b)(i) to (iii).

(4) The third condition is that the Department is satisfied that it is reasonable to grant the extension.

(5) The fourth condition is that the Department is satisfied that due to special circumstances it was not practicable for the application for revision to be made within the time limit specified in regulation 5(1)(b)(i) to (iii).

(6) In determining whether it is reasonable to grant an extension of time, the Department must have regard to the principle that the greater the amount of time that has elapsed between the end of the time limit specified in regulation 5(1)(b)(i) to (iii) and the date of the application, the more compelling should be the special circumstances on which the application is based.

(7) An application under this regulation which has been refused may not be renewed.

Consideration of revision before appeal

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

- (a) the Department gives a person written notice of a decision under Article 9 or 11 of the 1998 Order (whether as originally made or as revised under Article 10 of that Order); and
- (b) that notice includes a statement to the effect that there is a right of appeal in relation to the decision only if the Department has considered an application for a revision of the decision.

(2) In a case to which this regulation applies, a person has a right of appeal under Article 13(2) of the 1998 Order⁽²⁾ in relation to the decision only if the Department has considered on an application whether to revise the decision under Article 10 of that Order.

(3) The notice referred to in paragraph (1) must inform the person—

(2) Article 13(2) was substituted by paragraph 19(2) of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and amended by Article 107(2) of the Welfare Reform (Northern Ireland) Order 2015.

- (a) of the time limit under regulation 5(1) (revision on any grounds) for making an application for a revision; and
 - (b) that, where the notice does not include a statement of the reasons for the decision (“written reasons”), the person may, within one month of the date of notification of the decision, request that the Department provide written reasons.
- (4) Where written reasons are requested under paragraph (3)(b), the Department must provide that statement 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 decision, the Department may treat any purported appeal as an application for a revision under Article 10 of the 1998 Order.