
DRAFT STATUTORY INSTRUMENTS

2003 No.

**The Child Benefit and Guardian's Allowance
(Decisions and Appeals) Regulations 2003**

PART 3

SUPERSEDING DECISIONS

Effective date for late notifications of change of circumstances

17.—(1) For the purposes of paragraph (3) of regulation 16, the Board may allow a longer period of time than the period of one month mentioned in sub-paragraph (a) of that paragraph for the notification of a change of circumstances if the first and second conditions are satisfied.

(2) The first condition is that an application for the purposes of regulation 16(3) must be made by the claimant or a person acting on his behalf.

(3) The second condition is that the application for the purposes of regulation 16(3) must—

- (a) contain particulars of the relevant change of circumstances and the reasons for the failure to notify the change on an earlier date; and
- (b) be made within 13 months of the date on which the change occurred.

(4) An application under this regulation must not be granted unless the Board are satisfied that—

- (a) it is reasonable to grant it;
- (b) the change of circumstances notified by the applicant is relevant to the decision which is to be superseded; and
- (c) special circumstances are relevant to the application as a result of which it was not practicable for the applicant to notify the change of circumstances within one month of the change occurring.

(5) In determining whether it is reasonable to grant an application for the purposes of regulation 16(3), the Board must have regard to the principle that the greater the amount of time that has elapsed between the date one month after the change of circumstances occurred and the date the application is made, the more compelling the special circumstances mentioned in paragraph (4) (c) should be.

(6) In determining whether it is reasonable to grant an application for the purposes of regulation 16(3), the Board must take no account of the following—

- (a) that the applicant or any person acting for him was unaware of, or misunderstood, the law applicable to his case (including being unaware of, or misunderstanding, the time limits imposed by these Regulations); or
- (b) that a Commissioner or a court has taken a different view of the law from that previously understood and applied.

(7) An application for the purposes of regulation 16(3) which has been refused may not be renewed.