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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

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

**PART 2**

**REVISION OF DECISIONS**

**Late applications for revision of decisions**

**6.—**(1) The Board may extend the time limits specified in regulation 5(2)(b)(i) to (iii) if the first and second conditions are satisfied.

(2) The first condition is that an application for an extension of time must be made to the Board by the claimant or a person acting on his behalf.

(3) The second condition is that the application for the extension of time must—

- (a) contain particulars of the grounds on which the extension is sought;
- (b) contain sufficient details of the decision which it is sought to have revised so as to enable it to be identified; and
- (c) be made within 13 months of the latest date by which the application for revision should have been received by the Board in accordance with regulation 5(2)(b).

(4) An application for an extension of time must not be granted unless the Board are satisfied that—

- (a) it is reasonable to grant it;
- (b) the application for revision has merit; and
- (c) special circumstances are relevant to the application for an extension of time as a result of which it was not practicable for the application for revision to be made within the time limits specified in regulation 5(2)(b)(i) to (iii).

(5) In determining whether it is reasonable to grant an application for an extension of time, the Board must have regard to the principle that the greater the amount of time that has elapsed between the expiration of the time limits specified in regulation 5(2)(b)(i) to (iii) and the making of the application, 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 an extension of time, 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 an extension of time which has been refused may not be renewed.