

SCHEDULE

APPEALS: PROCEDURAL MATTERS

Appeal against a decision which has been replaced or revised

1.—(1) An appeal against a decision of the Secretary of State does not lapse where—

- (a) the decision is treated as replaced by a decision under section 11(1) or section 28F(5) of the 1991 Act(2); or
- (b) is revised under section 16 of that Act before the appeal is determined,

and the decision as replaced or revised is not more advantageous to the appellant than the decision before it was replaced or revised.

(2) Where sub-paragraph (1) applies, the appeal must be treated as though it had been brought against the decision as replaced or revised.

(3) The appellant has a period of one month from the date of notification of the decision as replaced or revised to make further representations as to the appeal.

(4) Subject to sub-paragraph (5), after the expiration of the period specified in sub-paragraph (3), or within that period if the appellant consents in writing, the appeal to the First-tier Tribunal must proceed.

(5) The appeal shall lapse where, in the light of the further representations from the appellant, the decision as replaced or revised as referred to in sub-paragraph (1), is revised, and the new decision is more advantageous to the appellant than the decision before it was replaced or revised as referred to in sub-paragraph (1).

(1) Section 11 was substituted by section 1(1) of the 2000 Act and amended by Schedule 8 to the 2008 Act.

(2) Section 28F was substituted by section 5(1) and (5) of the 2000 Act.