

SCHEDULES

SCHEDULE 1

MANAGEMENT OF DISABILITY LIVING ALLOWANCE AND ATTENDANCE ALLOWANCE

Reviews and appeals

9 The following section shall be inserted after that section—

“104A Reviews of decisions on appeal as to attendance allowance and disability living allowance

- (1) Any decision under this Act of a social security appeal tribunal, a disability appeal tribunal or a Commissioner which relates to an attendance allowance or a disability living allowance may be reviewed at any time by an adjudication officer if—
- (a) he is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact; or
 - (b) there has been any relevant change of circumstances since the decision was given; or
 - (c) it is anticipated that a relevant change of circumstances will so occur; or
 - (d) the decision was that a person is or was at any time terminally ill for the purposes of section 35(2B), 37ZB(5) or 37ZC(12) above and there has been a change of medical opinion with respect to his condition or his reasonable expectation of life; or
 - (e) the decision was to make an award for a period wholly or partly after the date on which the claim was made or treated as made but subject to a condition being fulfilled and that condition has not been fulfilled,
- but regulations may provide that a decision may not be reviewed on the ground mentioned in paragraph (a) above unless the officer is satisfied as mentioned in that paragraph by fresh evidence.
- (2) Regulations may prescribe what are, or are not, relevant changes of circumstances for the purposes of subsection (1)(b) and (c) above.
- (3) A question may be raised with a view to a review under this section by means of an application made in writing to an adjudication officer, stating the grounds of the application and supplying such information and evidence as may be prescribed.
- (4) Reviews under this section shall be carried out by adjudication officers.
- (5) Except in prescribed circumstances, where a claim for a disability living allowance in respect of a person already awarded such an allowance on an appeal is made or treated as made during the period for which he has been

Status: This is the original version (as it was originally enacted).

awarded the allowance, it shall be treated as an application for a review under this section.

- (6) Subsections (1), (2) and (4) of section 100A above shall apply—
- (a) to a decision on a review under this section; and
 - (b) to a refusal to review a decision such as is mentioned in subsection (1) above,
- as they apply to a decision of an adjudication officer under section 99 above.
- (7) The person whose claim was the subject of the appeal the decision on which has been reviewed under this section shall be given such notification as may be prescribed—
- (a) of the decision on the review; and
 - (b) of his right to a further review under section 100A(1) above.
- (8) Section 100A(9) above and section 100C(1) to (5) above shall apply in relation to a review under this section as they apply to a review under section 100A above.
- (9) Subsections (1ZA), (3A) and (5) of section 104 above shall apply in relation to a review under this section as they apply to a review under that section but as if—
- (a) in subsection (1ZA), “(1)(c)” were substituted for “(1)(bb)”;
 - (b) in subsection (3A), “(3)” were substituted for “(2)”;
 - (c) subsection (5)(a) were omitted.”.