



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART II

#### ADJUDICATION

##### *Reviews - general*

#### **25 Review of decisions**

- (1) Subject to the following provisions of this section, any decision under this Act of an adjudication officer, a social security appeal tribunal or a Commissioner (other than a decision relating to an attendance allowance, a disability living allowance or a disability working allowance) may be reviewed at any time by an adjudication officer or, on a reference by an adjudication officer, by a social security appeal tribunal, if—
  - (a) the officer or tribunal 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 based on a decision of a question which under or by virtue of this Act falls to be determined otherwise than by an adjudication officer, and the decision of that question is revised; or
  - (e) the decision falls to be reviewed under section 57(4) or (5) of the Contributions and Benefits Act.
- (2) Any decision of an adjudication officer (other than a decision relating to an attendance allowance, a disability living allowance or a disability working allowance) may be reviewed, upon the ground that it was erroneous in point of law, by an adjudication officer or, on a reference from an adjudication officer, by a social security appeal tribunal.

- (3) Regulations may provide that a decision may not be reviewed on the ground mentioned in subsection (1)(a) above unless the officer or tribunal is satisfied as mentioned in that paragraph by fresh evidence.
- (4) In their application to family credit, subsection (1)(b) and (c) above shall have effect subject to section 128(3) of the Contributions and Benefits Act (change of circumstances not to affect award or rate during specified period).
- (5) Where a decision is reviewed on the ground mentioned in subsection (1)(c) above, the decision given on the review—
  - (a) shall take effect on the day prescribed for that purpose by reference to the date on which the relevant change of circumstances is expected to occur; and
  - (b) shall be reviewed again if the relevant change of circumstances either does not occur or occurs otherwise than on that date.

## **26 Procedure for reviews**

- (1) A question may be raised with a view to a review under section 25 above by means of an application in writing to an adjudication officer, stating the grounds of the application.
- (2) On receipt of any such application, the adjudication officer shall proceed to deal with or refer any question arising on it in accordance with sections 21 to 23 above.
- (3) Regulations may provide for enabling, or requiring, in prescribed circumstances, a review under section 25 above notwithstanding that no application for a review has been made under subsection (1) above.

## **27 Reviews under s. 25 - supplementary**

- (1) Regulations—
  - (a) may prescribe what are, or are not, relevant changes of circumstances for the purposes of section 25 above; and
  - (b) may make provision restricting the payment of any benefit, or any increase of benefit, to which a person would, but for this subsection, be entitled by reason of a review in respect of any period before or after the review (whether that period falls wholly or partly before or after the making of the regulations).
- (2) Regulations under subsection (1)(b) above shall not restrict the payment to or for a woman of so much of—
  - (a) any widow's benefit, any invalidity pension under section 40 of the Contributions and Benefits Act or any Category A or Category B retirement pension; or
  - (b) any increase of such a benefit or pension,
 as falls to be paid by reason of a review which takes place by virtue of section 25(1) (a) or (1)(b) above in consequence of a claim for a widowhood benefit, within the meaning of section 3 above, which is made or treated as made by virtue of that section.

## **28 Appeals following reviews or refusals to review**

A decision given on a review under section 25 above, and a refusal to review a decision under that section, shall be subject to appeal in like manner as an original decision, and

sections 21 to 23 above shall, with the necessary modifications, apply in relation to a decision given on such a review as they apply to the original decision of a question.

## **29 Review after claimant appeals**

Where a claimant has appealed against a decision of an adjudication officer and the decision is reviewed by an adjudication officer under section 25 above—

- (a) if the adjudication officer considers that the decision which he has made on the review is the same as the decision that would have been made on the appeal had every ground of the claimant's appeal succeeded, the appeal shall lapse; but
- (b) in any other case, the review shall be of no effect and the appeal shall proceed accordingly.