
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Adjudication) Regulations 1995 and the Child Support Appeal Tribunals (Procedure) Regulations 1992.

Regulation 3 of the Social Security (Adjudication) Regulations 1995 provides for the manner of making applications, appeals and references and the time limits for so doing. Regulation 3(3) provides that the time limit may be extended for special reasons. These Regulations amend regulation 3 by inserting new paragraphs into that regulation which make further provision about an application for an extension of time for making an appeal.

New paragraph (3B) provides that special reasons for granting an extension must exist throughout the period between the end of the specified time limit and the time when the application for an extension is made. New paragraphs (3C) and (3D) set out criteria to be taken into account when deciding whether special reasons exist and specify certain factors that are not to be taken into account. New paragraph (3E) imposes an absolute time limit of 6 years for making an appeal. An amendment is made to paragraph (5) so as to require that an application for an extension of time shall state the grounds on which it is made, and a new paragraph (8) is added which requires the person deciding the application to record his decision in writing together with the reasons for it. New paragraph (9) provides that as soon as practicable a copy of the decision shall be sent to every party to the proceedings and that a copy of the record should be supplied to any party on a request being made within 3 months.

A new paragraph is inserted into regulations 23, 29 and 38 of the Social Security (Adjudication) Regulations and also into regulation 13 of the Child Support Appeal Tribunals (Procedure) Regulations to provide that the chairman of, respectively, a social security appeal tribunal, a disability appeal tribunal, a medical appeal tribunal and a child support appeal tribunal shall make a record of the proceedings at the hearing of a case and that the clerk to the tribunal shall preserve that record for 18 months during which time copies are to be available to the parties to the hearing on request. This removes the practice of the automatic issue of the record of proceedings to every appellant.

These Regulations do not impose any costs on business.