

SCHEDULE 22

TRANSITIONAL PROVISIONS IN RELATION TO RELEVANT BENEFITS

2.—(1) Any application duly made before 29th November 1999 under Part II of the Administration Act for a review of a decision in relation to a relevant benefit which was not decided before that date shall on and after that date be treated as an application to the Secretary of State—

- (a) where the application is not in respect of a decision given on appeal and is made—
 - (i) within three months of the date on which the applicant was notified of the decision, or within such longer period as may be allowed under sub-paragraph (2) below; and
 - (ii) other than on the ground of a relevant change of circumstances, for a revision of that decision under section 9; or
- (b) in any other case, for a decision under section 10 to supersede that decision.

(2) Subject to sub-paragraphs (3) and (4) below, the period of three months specified in sub-paragraph (1)(a) above may be extended where an application for such an extension is made before 29th December 2000 by a claimant or a person acting on his behalf containing—

- (a) the grounds on which an extension of time is sought; and
- (b) sufficient details of the decision to enable it to be identified.

(3) An application for an extension of time shall not be granted under sub-paragraph (2) above unless the Secretary of State is satisfied that—

- (a) it is reasonable to grant that application;
- (b) the application for review 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 review to be made within three months of the date of the adjudication officer's decision being notified to the claimant.

(4) In deciding whether to grant an extension of time no account shall be taken of the following factors—

- (a) that the claimant or any person acting for him misunderstood or was unaware of the law applicable to his case (including misunderstanding or being unaware of the period specified in sub-paragraph (1)(a) above); or
- (b) that a Commissioner or a court has taken a different view of the law from that previously understood and applied by the adjudication officer.

(5) Where, by virtue of sub-paragraph (1)(b) above—

- (a) a decision is made under section 10 which is advantageous to the applicant; and
- (b) the same decision could have been made on a review prior to 29th November 1999,

that decision shall take effect from the date on which it would have taken effect had the decision been so made.