
STATUTORY INSTRUMENTS

1999 No. 991

**The Social Security and Child Support
(Decisions and Appeals) Regulations 1999**

PART II

**^{F1}REVISIONS, SUPERSESIONS AND OTHER MATTERS
SOCIAL SECURITY [^{F1}AND CHILD SUPPORT]**

CHAPTER II

SUPERSESIONS

Supersession of decisions

6.—(1) Subject to the following provisions of this regulation, for the purposes of section 10, the cases and circumstances in which a decision may be superseded under that section are set out in paragraphs (2) to (4).

(2) A decision under section 10 may be made on the Secretary of State's [^{F1}or the Board's] own initiative or on an application made for the purpose on the basis that the decision to be superseded—

(a) is one in respect of which—

(i) there has been a relevant change of circumstances since the decision [^{F2}had effect][^{F3}or, in the case of an advance award under regulation 13, 13A or 13C of the Claims and Payments Regulations [^{F4}or regulation 146 of the Employment and Support Allowance Regulations], since the decision was made]; or

(ii) it is anticipated that a relevant change of circumstances will occur;

(b) is a decision of the Secretary of State [^{F5}or the Board or an officer of the Board] other than a decision to which sub-paragraph (d) refers and—

(i) the decision was erroneous in point of law, or it was made in ignorance of, or was based upon a mistake as to, some material fact; and

(ii) an application for a supersession was received by the Secretary of State [^{F6}or the Board], or the decision by the Secretary of State [^{F6}or the Board] to act on his [^{F7}or their] own initiative was taken, more than one month after the date of notification of the decision which is to be superseded or after the expiry of such longer period of time as may have been allowed under regulation 4;

[^{F8}(c) is a decision of [^{F9}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or of a Commissioner]—

(i) that was made in ignorance of, or was based upon a mistake as to, some material fact; or

(ii) that was made in accordance with section 26(4)(b), in a case where section 26(5) applies;]

(d) is a decision which is specified in Schedule 2 to the Act or is prescribed in regulation 27 (decisions against which no appeal lies); ^{F10} ...

^{F11}(e) is a decision where—

- (i) the claimant has been awarded entitlement to a relevant benefit; and
- (ii) ^{F12}subsequent to the first day of the period to which that entitlement relates], the claimant or a member of his family becomes entitled to ^{F13}... another relevant benefit [^{F14}or [^{F15}Scottish disability benefit]] or an increase in the rate of another relevant benefit [^{F14}or [^{F15}Scottish disability benefit]];]

^{F16}(ee) is an original award within the meaning of regulation 3(7ZA) and sub-paragraphs (a) to (c) and (d)(ii) of regulation 3(7ZA) apply but not sub-paragraph (d)(i);]

^{F17}(f) is a decision that a jobseeker’s allowance is payable at the full rate to which the claimant would be entitled in the absence of any reduction where the award is reduced under section 19 of the Jobseekers Act;

(fa) is a decision that a jobseeker’s allowance is payable at the full rate to which the claimant would be entitled in the absence of any reduction where the award is reduced under section 19A of the Jobseekers Act;]

^{F18}(g) is an incapacity benefit decision where there has been an incapacity determination (whether before or after the decision) and where, since the decision was made, the Secretary of State has received medical evidence following an examination in accordance with regulation 8 of the Social Security (Incapacity for Work) (General) Regulations 1995 from a [^{F19}health care professional] referred to in paragraph (1) of that regulation;]^{F20}[^{F21}...

(h) is one in respect of a person who—

- (i) is subsequently the subject of a separate decision or determination as to whether or not he took part in a work-focused interview;
- (ii) had been held not to have taken part in a work-focused interview but who had, subsequent to the decision to be superseded, attained [^{F22}pensionable age] or ceased to reside in an area in which there is a requirement to take part in a work-focused interview [^{F23}or, in the case of a partner who was required to take part in a work-focused interview [^{F24}in accordance with regulations made under section 2AA of the Administration Act, ceased to be a partner for the purposes of those regulations or is no longer a partner to whom the requirement to take part in a work-focused interview under those regulations applies [^{F25}(and in this head “pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995, save that a man born before 6th April 1955 is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age)]]].]

^{F26}(i)

^{F27}(j) is a decision of the Secretary of State that a sanctionable benefit is payable to a claimant where that benefit ceases to be payable or falls to be reduced under section [^{F28}6B,] 7 or 9 of the Social Security Fraud Act 2001 and for this purpose “sanctionable benefit” has the [^{F29}meaning given in section 6A] of that Act;

(k) is a decision of the Secretary of State that a joint-claim jobseeker’s allowance is payable where that allowance ceases to be payable or falls to be reduced under section 8 of the Social Security Fraud Act 2001.]

^{F30}(l) is a relevant decision for the purposes of section 6 of the State Pension Credit Act and—

- (i) on making that decision, the Secretary of State specified a period as the assessed income period; and

- (ii) that period has ended or is about to end.]
- [^{F31}(m) is a relevant decision for the purposes of section 6 of the State Pension Credit Act in a case where—
 - (i) the information and evidence required under regulation 32(6)(a) of the Claims and Payments Regulations has not been provided in accordance with the time limits set out in regulation 32(6)(c) of those Regulations;
 - (ii) the Secretary of State was prevented from specifying a new assessed income period under regulation 10(1) of the State Pension Credit Regulations; and
 - (iii) the information and evidence required under regulation 32(6)(a) of the Claims and Payments Regulations has since been provided.]
- [^{F32}(n) is a decision by [^{F33}an appeal tribunal or][^{F34}the First-tier Tribunal] confirming a decision by the Secretary of State terminating a claimant's entitlement to income support because he no longer falls within the category of person specified in paragraph 7 of Schedule 1B to the Income Support Regulations (persons incapable of work) and a further [^{F35}decision of an appeal tribunal or the First-tier Tribunal] subsequently determines that he is incapable of work.]
- [^{F36}(o) is a decision that a person is entitled to state pension credit and—
 - (i) the person or his partner makes, or is treated as having made, an election for a lump sum in accordance with—
 - (aa) paragraph A1 or 3C of Schedule 5 to the Contributions and Benefits Act;
 - (bb) paragraph 1 of Schedule 5A to that Act; or, as the case may be,
 - (cc) paragraph 12 or 17 of Schedule 1 to the Graduated Retirement Benefit Regulations;
 - or
 - (ii) such a lump sum is repaid in consequence of an application to change an election for a lump sum in accordance with regulation 5 of the Deferral of Retirement Pensions etc. Regulations or, as the case may be, paragraph 20D of Schedule 1 to the Graduated Retirement Benefit Regulations.]
- [^{F37}(oa) is a decision that a person is entitled to state pension credit and—
 - (i) the person—
 - (aa) chooses under section 8(2) of the Pensions Act 2014, or under Regulations under section 10 of that Act which make provision corresponding or similar to section 8(2), to be paid a lump sum; or
 - (bb) is entitled to a lump sum under section 8(4) of the Pensions Act 2014, or under Regulations under section 10 of that Act which make provision corresponding or similar to section 8(4), because the person has failed to choose within the period mentioned in section 8(3); or
 - (ii) such a lump sum is repaid in consequence of an application—
 - (aa) to alter the choice mentioned in paragraph (i)(aa) in accordance with regulation 6 of the State Pension Regulations 2015 or Regulations made under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 6 of the State Pension Regulations 2015; or
 - (bb) to make a late choice in accordance with regulation 4(4) of the State Pension Regulations 2015 (when a choice of lump sum or survivor's pension may be made) or Regulations made under section 10 of the Pensions Act 2014

which make provision corresponding or similar to regulation 4(4) of the State Pension Regulations 2015;]

- [^{F38}(p) is a decision awarding employment and support allowance where there has been a failure determination;
- (q) is a decision made in consequence of a failure determination where the reduction ceases to have effect under of regulation 64 of the Employment and Support Allowance Regulations];
- [^{F39}(r) is an employment and support allowance decision where, since the decision was made, the Secretary of State has—
- (i) received medical evidence from a health care professional approved by the Secretary of State, or
- (ii) made a determination that the claimant is to be treated as having limited capability for work in accordance with regulation 20, 25, 26 or 33(2) of the Employment and Support Allowance Regulations.]
- [^{F40}(s) is a decision where on or after the date on which the decision was made, a late or unpaid contribution is treated as paid under—
- (i) regulation 5 of the Social Security (Crediting and Treatment of Contributions and National Insurance Numbers) Regulations 2001 (treatment of late paid contributions where no consent, connivance or negligence by the primary contributor) on a date which falls on or before the date on which the original decision was made;
- (ii) regulation 6 of those Regulations (treatment of contributions paid late through ignorance or error) on a date which falls on or before the date on which the original decision was made; or
- (iii) regulation 60 of the Social Security (Contributions) Regulations 2001 (treatment of unpaid contributions where no consent, connivance or negligence by the primary contributor) on a date which falls on or before the date on which the original decision was made.]
- [^{F41}(sa) is a decision where on or after the date on which the decision was made, a late contribution is treated as paid by virtue of regulation 4 of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 for the purposes of entitlement to—
- (i) a bereavement benefit;
- (ii) a Category A or Category B retirement pension under Part II of the Contributions and Benefits Act; or
- (iii) a state pension under Part 1 of the Pensions Act 2014;]
- [^{F42}(t) is a decision awarding income support where there has been a determination by the Secretary of State under regulation 6(2) of the Income Support Work-Related Activity Regulations that a person has failed to undertake work-related activity;
- (u) is a decision made in consequence of a determination by the Secretary of State that a person has failed to undertake work-related activity where a reduction under regulation 8(1) of the Income Support Work-Related Activity Regulations ceases to have effect by virtue of regulation 9 of those Regulations.]
- (3) A decision which may be revised under regulation 3 may not be superseded under this regulation except where—
- (a) circumstances arise in which the Secretary of State [^{F43}or the Board or an officer of the Board] may revise that decision under regulation 3; and

- (b) further circumstances arise in relation to that decision which are not specified in regulation 3 but are specified in paragraph (2) or (4).
- (4) Where the Secretary of State requires [^{F44}or the Board require] further evidence or information from the applicant in order to consider all the issues raised by an application under paragraph (2) (“the original application”), he [^{F45}or they] shall notify the applicant that further evidence or information is required and the decision may be superseded—
 - (a) where the applicant provides further relevant evidence or information within one month of the date of notification or such longer period of time as the Secretary of State [^{F46}or the Board] may allow; or
 - (b) where the applicant does not provide such evidence or information within the time allowed under sub-paragraph (a), on the basis of the original application.
- (5) The Secretary of State [^{F47}or the Board] may treat an application for a revision or a notification of a change of circumstances as an application for a supersession.
- (6) The following events are not relevant changes of circumstances for the purposes of paragraph (2)—
 - (a) the repayment of a loan to which regulation 66A of the Income Support Regulations ^{M1}[^{F48}, regulation 137 of the Employment and Support Allowance Regulations] or regulation 136 of the Jobseeker’s Allowance Regulations applies;
 - ^{F49}(b)
 - [^{F50}(c) the fact that a person has become terminally ill, within the meaning of section 66(2)(a) of the Contributions and Benefits Act, unless an application for supersession which contains an express statement that the person is terminally ill is made either by—
 - (i) the person himself; or
 - (ii) any other person purporting to act on his behalf whether or not that other person is acting with his knowledge or authority;and where such an application is received a decision may be so superseded notwithstanding that no claim under section 66(1) or, as the case may be, 72(5) or 73(12) of that Act has been made.]
- (7) In paragraph (6)(b), “nursing home” and “residential care home” have the same meanings as they have in regulation 19 of the Income Support Regulations.
- [^{F51}(8) In relation to the assessed income period, the only change of circumstance relevant for the purposes of paragraph (2)(a) is that the assessed income period ends in accordance with section 9(4) of the State Pension Credit Act or the regulations made under section 9(5) of that Act.]

Textual Amendments	
F1	Words in reg. 6(2) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570) , regs. 1, 9(2)(a)
F2	Words in reg. 6(2)(a)(i) substituted (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050) , regs. 1(1)(a), 3(3)(a) (with reg. 6)
F3	Words in reg. 6(2)(a)(i) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1, 2(4)(a)
F4	Words in reg. 6(2)(a)(i) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554) , regs. 1(2)(a), 32(2)(a)
F5	Words in reg. 6(2)(b) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570) , regs. 1, 9(2)(b)(i)

- F6** Words in reg. 6(2)(b)(ii) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(2)(b)(ii)**
- F7** Words in reg. 6(2)(b)(ii) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(2)(b)(iii)**
- F8** Reg. 6(2)(c) substituted (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(3)(b)** (with reg. 6)
- F9** Words in reg. 6(2)(c) substituted (14.5.2012 (retrospective to 1.11.2008 in accordance with reg. 1(2))) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(2)(a)**
- F10** Word in reg. 6(2)(d) omitted (5.5.2003) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(3)(c)** (with reg. 6)
- F11** Reg. 6(2)(e) substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **16**
- F12** Words in reg. 6(2)(e)(ii) substituted (2.4.2002) by Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **4(3)(a)**
- F13** Words in reg. 6(2)(e)(ii) omitted (2.4.2002) by virtue of Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **4(3)(b)**
- F14** Words in reg. 6(2)(e)(ii) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), arts. 1(2), **6(4)**
- F15** Words in reg. 6(2)(e)(ii) substituted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **6(4)**
- F16** Reg. 6(2)(ee) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(4)(b)**
- F17** Reg. 6(2)(f)(fa) substituted (22.10.2012) by The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(3)**
- F18** Reg. 6(2)(g) inserted (5.7.1999) by The Social Security and Child Support (Decisions and Appeals) Amendment (No. 2) Regulations 1999 (S.I. 1999/1623), regs. 1(1), **3**
- F19** Words in reg. 6(2)(g) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(3)(a)**
- F20** Word in reg. 6(2)(g) omitted (5.5.2003) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(3)(d)** (with reg. 6)
- F21** Reg. 6(2)(h) and word added (3.4.2000) by The Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897), reg. 1, **Sch. 6 para. 4** (with reg. 2(5))
- F22** Words in reg. 6(2)(h)(ii) substituted (6.4.2010) by The Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) Amendment Regulations 2010 (S.I. 2010/563), regs. 1, **2(a)**
- F23** Words in reg. 6(2)(h)(ii) added (12.4.2004) by The Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 (S.I. 2003/1886), regs. 1, **15(4)**
- F24** Words in reg. 6(2)(h)(ii) substituted (26.4.2004) by Social Security (Working Neighbourhoods) Regulations 2004 (S.I. 2004/959), regs. 1, **24(3)**
- F25** Words in reg. 6(2)(h)(ii) inserted (6.4.2010) by The Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) Amendment Regulations 2010 (S.I. 2010/563), regs. 1, **2(b)**
- F26** Reg. 6(2)(i) omitted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010 (S.I. 2010/424), **reg. 4(4)**
- F27** Reg. 6(2)(j)(k) added (1.4.2002) by Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **8(b)**
- F28** Word in reg. 6(2)(j) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **3(3)(a)**
- F29** Words in reg. 6(2)(j) substituted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **3(3)(b)**

- F30** Reg. 6(2)(l) added (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **17(a)**
- F31** Reg. 6(2)(m) added (6.10.2003) by State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **5(2)**
- F32** Reg. 6(2)(n) added (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(4)(c)**
- F33** Words in reg. 6(2)(n) inserted (14.5.2012 (retrospective to 1.11.2008 in accordance with reg. 1(2))) by , regs. 1The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), **4(2)(b)(i)**
- F34** Words in reg. 6(2)(n) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 101(b)(i)**
- F35** Words in reg. 6(2)(n) substituted (14.5.2012 retrospective to 1.11.2008 in accordance with reg. 1(2)) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(2)(b)(ii)**
- F36** Reg. 6(2)(o) inserted (6.4.2006) by Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005 (S.I. 2005/2677), regs. 1(1), **9(4)**
- F37** Reg. 6(2)(oa) inserted (6.4.2016 coming into force in accordance with art. 1(2)(b)) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **18(5)**
- F38** Reg. 6(2)(p)-(q) added (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **32(2)(c)**
- F39** Reg. 6(2)(r) substituted (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **7(3)**
- F40** Reg. 6(2)(s) inserted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(3)(b)**
- F41** Reg. 6(2)(sa) inserted (1.1.2017) by The Social Security (Credits, and Crediting and Treatment of Contributions) (Consequential and Miscellaneous Amendments) Regulations 2016 (S.I. 2016/1145), regs. 1, **4(4)**
- F42** Reg. 6(2)(t)(u) inserted (28.4.2014) by The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014 (S.I. 2014/1097), regs. 1(1), **12(4)**
- F43** Words in reg. 6(3) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(3)**
- F44** Words in reg. 6(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(4)(a)**
- F45** Words in reg. 6(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(4)(b)**
- F46** Words in reg. 6(4)(a) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(4)(c)**
- F47** Words in reg. 6(5) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(5)**
- F48** Words in reg. 6(6)(a) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **32(3)**
- F49** Reg. 6(6)(b) omitted (18.3.2005) by virtue of The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(4)(d)**
- F50** Reg. 6(6)(c) added (18.10.1999) by The Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker's Allowance (Amendment) Regulations 1999 (S.I. 1999/2677), regs. 1, **7(b)**
- F51** Reg. 6(8) added (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **17(b)**

Modifications etc. (not altering text)

- C1** Reg. 6(2) modified (22.11.2010) by [The Jobseekers Allowance \(Work for Your Benefit Pilot Scheme\) Regulations 2010 \(S.I. 2010/1222\)](#), regs. 1(2), **20(b)**
- C2** Reg. 6(2)(r) applied (with modifications) (temp.) (13.3.2020) by [The Employment and Support Allowance and Universal Credit \(Coronavirus Disease\) Regulations 2020 \(S.I. 2020/289\)](#), regs. 1(1), **3** (with reg. 5) (as amended (30.3.2020) by [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020 \(S.I. 2020/371\)](#), regs. 1(1), **10(3)**); with amendment to earlier affecting provision S.I. 2020/289, reg. 5(2) (12.5.2021) by [The Social Security \(Coronavirus\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/476\)](#), regs. 1, **2**

Marginal Citations

- M1** Regulation 66A was inserted by [S.I. 1990/1549](#); relevant amending instruments are [S.I. 1991/236](#), [S.I. 1991/1559](#) and [S.I. 1996/462](#).

[^{F52}Supersession of child support decisions

6A.—[^{F54}(1) This regulation and regulation 6B set out the circumstances in which a decision may be made by the [^{F57}Secretary of State] under section 17 of the Child Support Act (decisions superseding earlier decisions).

(2) A decision may be superseded by a decision of the [^{F58}Secretary of State], on an application or acting under [^{F58}the Secretary of State's] own initiative, where—

- (a) there has been a relevant change of circumstances since the decision had effect or it is expected that a relevant change of circumstances will occur;
- (b) the decision was made in ignorance of, or was based on a mistake as to, some material fact; or
- (c) the decision was wrong in law (unless it was a decision made on appeal).

(3) The circumstances in which a decision may be superseded include where the relevant change of circumstances causes the maintenance calculation to cease by virtue of paragraph 16 of Schedule 1 to the Child Support Act or where the [^{F59}Secretary of State] no longer has jurisdiction by virtue of section 44 of that Act.

(4) A decision may be superseded by a decision of the [^{F59}Secretary of State] where the [^{F59}Secretary of State] receives an application for a variation of the decision under section 28G of the Child Support Act.

(5) A decision may not be superseded in circumstances where it may be revised.

(6) A decision to refuse an application for a maintenance calculation may not be superseded.]]

Textual Amendments

- F52** Reg. 6A - Reg. 6B inserted (3.3.2003 for specified purposes being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, art. 3) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **8** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F53** Reg. 6A omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**
- F54** Reg. 6A substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(4)** (with reg. 7)

- F55** Reg. 6A(4A) inserted (5.5.2003 and for specified purposes, being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, art. 3, 5.5.2003 in so far as not already in force) by **The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(b), 3(4)** (with reg. 6)
- F56** Words in reg. 6A(4A) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by **The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, 4(3)**
- F57** Words in reg. 6A(1) substituted (1.8.2012) by **The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), Sch. para. 113(4)(a)**
- F58** Words in reg. 6A(2) substituted (1.8.2012) by **The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), Sch. para. 113(4)(b)**
- F59** Words in reg. 6A(3)(4) substituted (1.8.2012) by **The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), Sch. para. 113(4)(c)**

Circumstances in which a child support decision may not be superseded

6B.—^{F60}(1) Except as provided in paragraph (4), and subject to paragraph (3), a decision of the ^{F61}Secretary of State], ^{F62}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or a Child Support Commissioner], on an application made under regulation ^{F63}6A(2)(a)], shall not be superseded where the difference between—

- (a) the non-resident parent’s net income figure fixed for the purposes of the maintenance calculation in force in accordance with Part I of Schedule 1 to the Child Support Act; and
- (b) the non-resident parent’s net income figure which would be fixed in accordance with a superseding decision,

is less than 5% of the figure in sub-paragraph (a).

(2) In paragraph (1) “superseding decision” means a decision which would supersede the decision subject to the application made under regulation ^{F63}6A(2)(a)] but for the application of this regulation.

^{F64}(3) Where the application for a supersession is made on more than one ground, if those grounds which do not relate to the net income of the non-resident parent lead to a superseding decision this regulation shall not apply to the ground relating to the net income of that parent.]

(4) This regulation shall not apply to a decision under regulation ^{F63}6A(2)(a)] where—

- (a) the superseding decision is made in consequence of the determination of an application made under section 28G of the Child Support Act;
- (b) the superseding decision affects a variation ground in a decision made under section 11 or 17 of the Child Support Act, whether as originally made or as revised under section 16 of that Act;
- (c) the decision being superseded was made under section 12(2) of the Child Support Act, or was a decision under section 17 of that Act superseding an interim maintenance decision, whether as originally made or as revised under section 16 of that Act;

^{F65}(d); ^{F66} ...

(e) the superseding decision takes effect from the dates prescribed in regulation ^{F67}paragraph 4 of Schedule 3D]]^{F68}; or

- (f) a decision is superseded and in relation to that superseding decision a maintenance calculation is made to which paragraph 15 of Schedule 1 to the Child Support Act applies.]

[^{F69}(5) Where an application has been made to which paragraph (1) applied (“application A”) and a further application (“application B”) is made for a supersession on a ground other than one relating to the net income of the non-resident parent, the [^{F70}Secretary of State] may make a superseding decision on the basis that application A was made at the same time as application B.]]

Textual Amendments

- F52** Reg. 6A - Reg. 6B inserted (3.3.2003 for specified purposes being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, art. 3) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **8** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F60** Reg. 6B omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**
- F61** Words in reg. 6B(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(5)**
- F62** Words in reg. 6B(1) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **4(4)**
- F63** Word in reg. 6B substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(5)(b)** (with reg. 7)
- F64** Reg. 6B(3) substituted (16.9.2004 for specified purposes and in accordance with reg. 1(2)(b)) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), **regs. 1(2)(b), 2(2)(a)**
- F65** Reg. 6B(4)(d) omitted (6.4.2009) by virtue of [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(5)(c)** (with reg. 7)
- F66** Word in reg. 6B(4)(d) omitted (4.7.2011) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(3)(a)**
- F67** Words in reg. 6B(4)(e) substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(5)(d)** (with reg. 7)
- F68** Reg. 6B(4)(f) and word added (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(3)(b)**
- F69** Reg. 6B(5) inserted (16.9.2004 for specified purposes and in accordance with reg. 1(2)(b)) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), **regs. 1(2)(b), 2(2)(b)**
- F70** Words in reg. 6B(5) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(5)**

Date from which a decision superseded under section 10 takes effect

7.—^{F71}(1) This regulation—

- (a) [^{F72}is, except for [^{F73}paragraphs (2)(b)[^{F74}, (bb)][^{F75}or (be)], (29) and (30)] and (29), subject to Schedules 3A^{F76}, 3B and 3C]; and]
- (b) contains exceptions to the provisions of section 10(5) as to the date from which a decision under section 10 which supersedes an earlier decision is to take effect.]

(2) Where a decision under section 10 is made on the ground that there has been, or it is anticipated that there will be, a relevant change of circumstances since the decision [^{F77}had effect][^{F78}or, in the

case of an advance award, since the decision was made], the decision under section 10 shall take effect—

[^{F79}(a) from the date the change occurred or, where the change does not have effect until a later date, from the first date on which such effect occurs where—

- (i) the decision is advantageous to the claimant; and
- (ii) the change was notified to an appropriate office within one month of the change occurring or within such longer period as may be allowed under regulation 8 for the claimant’s failure to notify the change on an earlier date; and

(ii) head (i) of sub-paragraph (c) shall be omitted.]

(b) where the decision is advantageous to the claimant and the change was notified to an appropriate office more than one month after the change occurred or after the expiry of any such longer period as may have been allowed under regulation 8—

(i) in the case of a claimant who is in receipt of income support^{F80}, jobseeker’s allowance^{F81}, state pension credit or an employment and support allowance]] and benefit is paid in arrears, from the beginning of the benefit week in which the notification was made;

(ii) in the case of a claimant who is in receipt of income support^{F80}, jobseeker’s allowance or state pension credit] and benefit is paid in advance and the date of notification is the first day of a benefit week from that date and otherwise, from the beginning of the benefit week following the week in which the notification was made; or

(iii) in any other case, the date of notification of the relevant change of circumstances; or

[^{F82}(bb) where the decision is advantageous to the claimant and is made on the Secretary of State’s own initiative—

(i) except where paragraph (ii) applies, from the beginning of the benefit week in which the Secretary of State commenced action with a view to supersession; or

(ii) in the case of a claimant who is in receipt of income support, jobseeker’s allowance or state pension credit where benefit is paid in advance and the Secretary of State commenced action with a view to supersession on a day which was not the first day of the benefit week, from the beginning of the benefit week following the week in which the Secretary of State commenced such action;]

[^{F83}(bc) where—

(i) the claimant is a disabled person or a disabled person’s partner;

(ii) the decision is advantageous to the claimant; and

(iii) the decision is made in connection with the cessation of payment of a carer’s allowance [^{F84}or carer support payment] relating to that disabled person,

the day after the last day for which carer’s allowance [^{F84}or carer support payment] was paid to a person other than the claimant or the claimant’s partner;]

^{F85}(bd)

[^{F86}(be) in the case of a claimant who is in receipt of an employment and support allowance and the claimant makes an application which contains an express statement that he is terminally ill within the meaning of regulation 2(1) of the Employment and Support Allowance Regulations , from the date the claimant became terminally ill;]

(c) where the decision is not advantageous to the claimant—

^{F87}(i)

[^{F88}(ii) in the case of a disability benefit decision, or an incapacity benefit decision where there has been an incapacity determination [^{F89}or an employment and support allowance decision where there has been a limited capability for work determination] (whether before or after the decision), where the Secretary of State is satisfied that in relation to a disability determination embodied in or necessary to the disability benefit decision, or the incapacity determination [^{F89}or an employment and support allowance decision where there has been a limited capability for work determination], the claimant or payee failed to notify an appropriate office of a change of circumstances which regulations under the Administration Act required him to notify, and the claimant or payee, as the case may be, knew or could reasonably have been expected to know that the change of circumstances should have been notified,

- (aa) from the date on which the claimant or payee, as the case may be, ought to have notified the change of circumstances, or
- (bb) if more than one change has taken place between the date from which the decision to be superseded took effect and the date of the superseding decision, from the date on which the first change ought to have been notified, or]

^{F90}(iii)

[^{F91}(iv) in the case of a disability benefit decision, where the change of circumstances is not in relation to the disability determination embodied in or necessary to the disability benefit decision, from the date of the change; or

- (v) in any other case, except in the case of a decision which supersedes a disability benefit decision, from the date of the change.]

[^{F92}(2A) ^{F93}]

[^{F94}(2B) For the purposes of paragraph (2) “carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.]

[^{F95}(3) For the purposes of paragraphs (2) and (8) “benefit week” has the same meaning, as the case may be, as in—

- (a) regulation 2(1) of the Income Support Regulations;
- (b) regulation 1(3) of the Jobseeker’s Allowance Regulations;
- (c) regulation 1(2) of the State Pension Credit Regulations; or
- (d) regulation 2(1) of the Employment and Support Allowance Regulations.]

(4) In paragraph (2) a decision which is to the advantage of the claimant includes a decision specified in regulation 30(2)(a) to (f).

[^{F96}(5) Where the Secretary of State supersedes a decision made by [^{F97}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or a Commissioner] on the grounds specified in regulation 6(2)(c)[^{F98}(i)] (ignorance of, or mistake as to, a material fact), the decision under section 10 shall take effect, in a case where, as a result of that ignorance of or mistake as to material fact, the decision to be superseded was more advantageous to the claimant than it would otherwise have been and which either—

- (a) does not relate to a disability benefit decision or an incapacity benefit decision where there has been an incapacity determination; or
- (b) relates to a disability benefit decision or an incapacity benefit decision where there has been an incapacity determination, and the Secretary of State is satisfied that at the time the

decision was made the claimant or payee knew or could reasonably have been expected to know of the fact in question and that it was relevant to the decision,

from the date on which the decision of [^{F97}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or a Commissioner] took, or was to take, effect.]

(6) Any decision made under section 10 in consequence of a decision which is a relevant determination for the purposes of section 27 shall take effect as from the date of the relevant determination.

[^{F99}(6A) Where—

- (a) there is a decision which is a relevant determination for the purposes of section 27 and the Secretary of State makes a benefit decision of the kind specified in section 27(1)(b);
- (b) there is an appeal against the determination;
- (c) after the benefit decision payment is suspended in accordance with regulation 16(1) and (3)(b)(ii); and
- (d) on appeal a court, within the meaning of section 27, reverses the determination in whole or in part,

a consequential decision by the Secretary of State under section 10 which supersedes his earlier decision under sub-paragraph (a) shall take effect from the date on which the earlier decision took effect.]

[^{F100}(7) A decision which is superseded in accordance with regulation 6(2)(e) or (ee) shall be superseded—

- (a) subject to sub-paragraph (b), from the date on which entitlement arises to the other relevant benefit [^{F101}or [^{F102}Scottish disability benefit]] referred to in regulation 6(2)(e)(ii) or (ee) or to an increase in the rate of that other relevant benefit [^{F101}or [^{F102}Scottish disability benefit]]; or
- (b) where the claimant or his partner—
 - (i) is not a severely disabled person for the purposes of section 135(5) of the Contributions and Benefits Act (the applicable amount) or section 2(7) of the State Pension Credit Act (guarantee credit) [^{F103}or paragraph 6 of Schedule 4 to the Employment and Support Allowance Regulations;]
 - (ii) by virtue of his having—
 - (aa) a non-dependant as defined by regulation 3 of the Income Support Regulations[^{F104}, regulation 2 of the Jobseeker's Allowance Regulations][^{F105}or regulation 71 of the Employment and Support Allowance Regulations]; or
 - (bb) a person residing with him for the purposes of paragraph 1 of Schedule 1 to the State Pension Credit Regulations whose presence may not be ignored in accordance with paragraph 2 of that Schedule,

at the date the superseded decision would, but for this sub-paragraph, have had effect, from the date on which the claimant or his partner ceased to have a non-dependant or person residing with him or from the date on which the presence of that person was first ignored.]

[^{F106}(7A) Where a decision is superseded in accordance with regulation 6(2)(o), [^{F107}or (oa)] the superseding decision shall take effect from the day on which a lump sum, or a payment on account of a lump sum, is paid or repaid if that day is the first day of the benefit week but, if it is not, from the next following such day.]

[^{F108}(8) A decision to which regulation 6(2)(f) applies shall take effect from the beginning of the period specified in regulation 69(6) of the Jobseeker’s Allowance Regulations.]

[^{F109}(8ZA) A decision to which regulation 6(2)(fa) applies shall take effect from the beginning of the period specified in regulation 69A(3) of the Jobseeker’s Allowance Regulations.]

^{F110}(8ZB)

[^{F111}(8A) Where a decision is superseded in accordance with regulation 6(2)(s), the superseding decision shall take effect from the date on which the late or unpaid contribution is treated as paid.]

[^{F112}(9) [^{F113}Except where paragraph (9A) applies,] a decision relating to attendance allowance or disability living allowance which is advantageous to the claimant and which is made under section 10 on the basis of a relevant change of circumstances shall take effect from—

- (a) [^{F114}where the decision is made on the Secretary of State’s own initiative—
 - (i) the date on which the Secretary of State commenced action with a view to supersession; or
 - (ii) subject to paragraph (30), in a case where the relevant circumstances are that there has been a change in the legislation in relation to attendance allowance or disability living allowance, the date on which that change in the legislation had effect;]
- (b) where—
 - (i) the change is relevant to the question of entitlement to a particular rate of benefit; and
 - (ii) the claimant notifies the change before a date one month after he satisfied the conditions of entitlement to that rate or within such longer period as may be allowed under regulation 8,
 the [^{F115}date on which] he satisfied those conditions;
- (c) where—
 - (i) the change is relevant to the question of whether benefit is payable; and
 - (ii) the claimant notifies the change before a date one month after the change or within such longer period as may be allowed under regulation 8,
 the [^{F116}date on which] the change occurred; or
- (d) in any other case, the date of the application for the superseding decision.]

[^{F117}(9A) Where—

- (a) on or after 8th March 2001, the claimant had an award of attendance allowance, carer’s allowance, or the care component of disability living allowance;
- (b) the Secretary of State made a superseding decision in accordance with regulation 6(2)(a) to end that award on the ground that there had been, or it was anticipated that there would be, a relevant change of circumstances as a result of the claimant moving, or planning to move, from Great Britain to an EEA state or Switzerland; and
- (c) the Secretary of State supersedes that decision in accordance with regulation 6(2)(b)(i) on the ground that it was erroneous in point of law,

the superseding decision referred to in sub-paragraph (c) shall take effect from 18th October 2007.]

(10) A decision as to an award of incapacity benefit, which is made under section 10 because section 30B(4) of the Contributions and Benefits Act applies to the claimant, shall take effect as from the date on which he became entitled to the highest rate of the care component of disability living allowance.

(11) A decision as to an award of incapacity benefit or severe disablement allowance, which is made under section 10 because the claimant is to be treated as incapable of work under regulation 10

of the Social Security (Incapacity for Work) (General) Regulations 1995^{M2} (certain persons with a severe condition to be treated as incapable of work), shall take effect as from the date he is to be treated as incapable of work.

(12) Where this paragraph applies, a decision under section 10 may be made so as to take effect as from such date not more than eight weeks before—

- (a) the application for supersession; or
- (b) where no application is made, the date on which the decision under section 10 is made,

as is reasonable in the particular circumstances of the case.

[^{F118}(12A) Paragraph (12) applies where—

- (a) the effect of a decision under section 10 is that owner-occupier loan payments are to be made to a claimant in respect of the claimant's liability to make owner-occupier payments; and
- (b) that decision could not have been made earlier because information necessary to make that decision, requested otherwise than in accordance with paragraph 8 of Schedule 4 to the Loans for Mortgage Interest Regulations (provision of information), had not been supplied to the Secretary of State by the lender.

(12B) Where a claimant is receiving owner-occupier loan payments and there is a reduction in the amount owing in connection with a qualifying loan or alternative finance arrangement (within the meaning in Schedule 1 to the Loans for Mortgage Interest Regulations (meaning of owner-occupier payments)), a decision made under section 10 takes effect—

- (a) on the first anniversary of the date on which the claimant's liability to make owner-occupier payments was first met by an owner-occupier loan payment; or
- (b) where the reduction in the amount owing in connection with a qualifying loan or alternative finance arrangement occurred after the first anniversary of the date referred to in sub-paragraph (a), on the next anniversary of that date following the date of the reduction.

(12C) Where a claimant is receiving owner-occupier loan payments, an insurance payment deduction is made under regulation 14A(1) of the Loans for Mortgage Interest Regulations (insurance payment deduction) in relation to any decision under section 8 or 10 and there is a change in the amount of the owner-occupier payments payable—

- (a) on a qualifying loan or alternative finance arrangement (within the meaning in Schedule 1 to the Loans for Mortgage Interest Regulations (meaning of owner-occupier payments)) to which those payments relate; or
- (b) on a loan or alternative finance arrangement not so qualifying which is secured on the dwelling occupied as the home to which those payments relate,

a decision under section 10 which is made as a result of that change in the amount of the owner-occupier payments payable shall take effect on whichever of the dates referred to in paragraph (12D) is appropriate in the claimant's case.

(12D) The date on which a decision under section 10 takes effect for the purposes of paragraph (12C) is—

- (a) the date on which the claimant's liability to make owner-occupier payments is first met by an owner-occupier loan payment; or
- (b) where the change in the amount of the owner-occupier payments payable occurred after the date referred to in sub-paragraph (a), on the date of the next alteration in the standard rate following the date of that change.

(12E) In paragraph (12D), "standard rate" has the same meaning as it has in regulation 13 of the Loans for Mortgage Interest Regulations (standard rate to be applied under regulations 11 and 12).

(12F) Paragraph (12G) applies where—

- (a) a claimant is awarded state pension credit;
- (b) the claimant or the claimant’s partner has reached pensionable age (within the meaning in section 122(1) of the Contributions and Benefits Act);
- (c) the claimant is in receipt of owner-occupier loan payments; and
- (d) after the date from which sub-paragraph (c) applies—
 - (i) a non-dependant (within the meaning in regulation 2(1) of the Loans for Mortgage Interest Regulations) begins to reside with the claimant; or
 - (ii) there has been a change of circumstances in respect of a non-dependant and this reduces the amount of the owner-occupier loan payments.

(12G) Where this paragraph applies, a decision made under section 10 shall take effect—

- (a) where there is more than one change of the kind specified in paragraph (12F)(d) in respect of the same non-dependant within the same 26 week period, 26 weeks after the date on which the first such change occurred; and
- (b) in any other circumstances, 26 weeks after the date on which a change specified in paragraph (12F)(d) occurred.]

- F119(13)
- F119(14)
- F119(15)
- F119(16)
- F119(17)
- F119(17A)
- F119(17B)
- F119(17C)
- F119(17D)
- F119(17E)
- F119(17F)
- F119(17G)

[^{F120}(17H) Where the decision is superseded in accordance with regulation 6(2)(a)(i) and the relevant circumstances are that the claimant has a non-dependant who has become entitled to main phase employment and support allowance, the superseding decision shall take effect from the date the main phase employment and support allowance is first paid to the non-dependant.]

- F121(18)
- F121(19)
- F121(20)
- F121(21)
- F121(22)
- F121(23)

(24) Where—

- (a) it has been determined that the amount of a jobseeker’s allowance payable to a young person is to be reduced under regulation 63 of the Jobseeker’s Allowance Regulations because paragraph (1)(b)(iii), (c), (d), (e) or (f) of that regulation (reduced payments under section 17 of the Jobseekers Act) applied in his case; and
- (b) the decision made in consequence of sub-paragraph (a) falls to be superseded by a decision under section 10 because the Secretary of State has subsequently issued a certificate under section 17(4) of the Jobseekers Act with respect to the failure in question,

the decision under section 10 shall take effect as from the same date as the decision made in consequence of sub-paragraph (a) has effect.

^{F122}^{F123}(25) In a case where a decision (“ the first decision ”) has been made that a person failed without good cause to take part in a work-focused interview, the decision under section 10 shall take effect as from—

- (a) the first day of the benefit week to commence for that person following the date of the first decision; or
- (b) in a case where a partner has failed without good cause to take part in a work-focused interview ^{F124}in accordance with regulations made under section 2AA of the Administration Act]—
 - (i) the first day of the benefit week to commence for the claimant ^{F125}(meaning the person who has been awarded a benefit within section 2AA(2) of the Administration Act at a higher rate referable to that partner)] following the date of the first decision; or
 - (ii) if that date arises five days or less after the day on which the first decision was made, as from the first day of the second benefit week to commence for the claimant following the date of the first decision.]

(26) In paragraph (25), “benefit week” means any period of 7 days corresponding to the week in respect of which the relevant social security benefit is due to be paid.]

^{F126}(27)

^{F127}(28) A decision to which regulation 6(2)(j) or (k) applies shall take effect from the first day of the disqualification period prescribed for the purposes of section ^{F128}6B or] 7 of the Social Security Fraud Act 2001.]

^{F129}(29) ^{F130}Subject to paragraphs (29A) and (29B), a] decision to which regulation 6(2)(1) (state pension credit) refers shall take effect from the day following the day on which the assessed income period ends if that day is the first day of the claimant’s benefit week, but if it is not, from the next following such day.]

^{F131}(29A) A decision to which regulation 6(2)(1) applies, where—

- (a) the decision is advantageous to the claimant; and
- (b) the information and evidence required under regulation 32(1) of the Claims and Payments Regulations has not been provided within the period allowed under that regulation,

shall take effect from the day the information and evidence required under that regulation is provided if that day is the first day of the claimant’s benefit week, but, if it is not, from the next following such day.

(29B) A decision to which regulation 6(2)(1) applies, where—

- (a) the decision is disadvantageous to the claimant; and
- (b) the information and evidence required under regulation 32(1) of the Claims and Payments Regulations has not been provided within the period allowed under that regulation,

shall take effect from the day after the period allowed under that regulation expired.

(29C) Except where there is a change of circumstances during the period in which the Secretary of State was prevented from specifying a new assessed income period under regulation 10(1) of the State Pension Credit Regulations, a decision to which regulation 6(2)(m) applies shall take effect from the day on which the information and evidence required under regulation 32(6)(a) of the Claims and Payments Regulations was provided.]

[^{F132}(30) Where a decision is superseded in accordance with regulation 6(2)(a)(i) and the relevant circumstances are that there has been a change in the legislation in relation to a relevant benefit, the decision under section 10 shall take effect from the date on which that change in the legislation had effect.

[^{F133}(30A) Where a decision is superseded in accordance with regulation 6(2)(a)(ii) and the relevant change of circumstances is the coming into force of a change in the legislation in relation to a relevant benefit, the decision under section 10 shall take effect from the date on which that change in the legislation takes effect.]

(31) Where a decision is superseded in accordance with regulation 6(2)(a)(ii) and the relevant circumstances are that—

- (a) a personal capability assessment has been carried out in the case of a person to whom section 171C(4) of the Contributions and Benefits Act applies; and
- (b) the own occupation test remains applicable to him under section 171B(3) of that Act,

the decision under section 10 shall take effect on the day ^{F134} ... on which the own occupation test is no longer applicable to that person.

(32) For the purposes of paragraph (31)—

- (a) “personal capability assessment” has the same meaning as in regulation 24 of the Social Security (Incapacity for Work) (General) Regulations 1995;
- (b) “own occupation test” has the same meaning as in section 171B(2) of the Contributions and Benefits Act.

(33) A decision to which regulation 6(2)(c)(ii) applies shall take effect from the date on which [^{F135}the decision of the appeal tribunal, the First-tier Tribunal, the Upper Tribunal or the Commissioner] would have taken effect had it been decided in accordance with the determination of the [^{F136}Upper Tribunal][^{F137}or the Commissioner] or the court in the appeal referred to in section 26(1)(b).]

[^{F138}(34) A decision which supersedes a decision specified in regulation 6(2)(n) shall take effect from the effective date of the Secretary of State’s decision to terminate income support which was confirmed by the decision specified in regulation 6(2)(n).]

(35) [^{F139}A decision made in accordance with regulation 6(2)(p), where the failure determination was made before the 13th week of entitlement, shall take effect from the first day of the benefit week following that week.]

[^{F140}A decision made in accordance with regulation 6(2)(p) shall take effect —

- (a) on the first day of the benefit week in which the failure determination was made where, on the date of that determination, the claimant has not been paid an employment and support allowance since the failure to which that determination relates; or
- (b) in any other case, on the first day of the benefit week after the end of the benefit week in respect of which the claimant was last paid an employment and support allowance.]

(37) A decision made in accordance with regulation 6(2)(q) shall take effect from the first day of the benefit week in which the reduction mentioned in that sub-paragraph ceased to have effect.

[^{F141}(38) A decision made in accordance with regulation 6(2)(r) that embodies a determination that the claimant has—

- (a) limited capability for work; or
- (b) limited capability for work-related activity; or
- (c) limited capability for work and limited capability for work-related activity

which is the first such determination shall take effect from [^{F142}the day after the last day of the relevant period as defined in regulation 4(4) of the Employment and Support Allowance Regulations].]

(39) A decision made in accordance with regulation 6(2)(r), following an application by the claimant, that embodies a determination that the claimant has limited capability for work-related activity shall take effect from the date of the application.

[^{F143}(40) A decision made in accordance with regulation 6(2)(r) that embodies a determination that the claimant has—

- (a) limited capability for work; or
- (b) limited capability for work-related activity; or
- (c) limited capability for work and limited capability for work-related activity

where regulation 5 of the Employment and Support Allowance Regulations (assessment phase – previous claimants) applies shall take effect from the beginning of the 14th week of the person's continuous period of limited capability for work.]

[^{F144}(41) A decision made in accordance with regulation 6(2)(t) shall take effect from the first day of the next benefit week following the day on which the determination mentioned in that sub-paragraph was made.

(42) A decision made in accordance with regulation 6(2)(u) shall take effect from the first day of the benefit week in which the reduction mentioned in that sub-paragraph ceased to have effect.]

[^{F145}(43) Where the decision is superseded in accordance with regulation 6(2)(sa), the superseding decision shall take effect from the date on which the contributions are treated as paid in accordance with regulation 4(7) of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 for the purposes of entitlement to—

- (i) a bereavement benefit;
- (ii) a Category A or Category B retirement pension under Part II of the Contributions and Benefits Act; or
- (iii) a state pension under Part 1 of the Pensions Act 2014.]

Textual Amendments

- F71** Reg. 7(1) substituted (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), art. 3(1)(a), **Sch. 19 para. 1** (with art. 3(1)(b), Schs. 21-23)
- F72** Reg. 7(1)(a) substituted (7.4.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **18(a)**
- F73** Words in reg. 7(1)(a) substituted (5.5.2003) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1050\)](#), regs. 1(1)(a), **3(5)(a)** (with reg. 6)
- F74** Word in reg. 7(1)(a) inserted (30.10.2008) by [Social Security \(Miscellaneous Amendments\) \(No.5\) Regulations 2008 \(S.I. 2008/2667\)](#), regs. 1, **3(4)(a)**
- F75** Words in reg. 7(1)(a) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **33(2)(a)**

- F76** Words in reg. 7(1)(a) substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554) , regs. 1(2)(a) , **33(2)(b)**
- F77** Words in reg. 7(2) substituted (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(5)(b)** (with reg. 6)
- F78** Words in reg. 7(2) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(5)(a)**
- F79** Reg. 7(2)(a) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), art. 3(1)(a), **Sch. 19 para. 1(b)(i)** (with art. 3(1)(b), Schs. 21-23)
- F80** Words in reg. 7(2)(b)(i)(ii) substituted (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **18(b)**
- F81** Words in reg. 7(2)(b)(i) substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(3)(a)**
- F82** Reg. 7(2)(bb) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(b)**
- F83** Reg. 7(2)(bc) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(c)**
- F84** Words in reg. 7(2)(bc) inserted (19.11.2023) by The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), **9(a)**
- F85** Reg. 7(2)(bd) omitted (19.5.2008) by virtue of Social Security (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/1042), regs. 1(2), **2(b)**
- F86** Reg. 7(2)(be) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(3)(b)**
- F87** Reg. 7(2)(c)(i) omitted (29.11.1999) by virtue of The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178) , art. 3(1)(a), **Sch. 19 para. 1(b)(ii)** (with art. 3(1)(b), Schs. 21-23)
- F88** Reg. 7(2)(c)(ii)(iii) substituted for reg. 7(2)(c)(ii) (5.7.1999) by The Social Security and Child Support (Decisions and Appeals) Amendment (No. 2) Regulations 1999 (S.I. 1999/1623), regs. 1(1), **4**
- F89** Words in reg. 7(2)(c)(ii) inserted (13.7.2009) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2009 (S.I. 2009/1490), regs. 1, **3(3)**
- F90** Reg. 7(2)(c)(iii) omitted (10.4.2006) by virtue of Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(3)(a)(i)**
- F91** Reg. 7(2)(c)(iv) Reg. 7(2)(c)(v) added (10.4.2006) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(3)(a)(ii)**
- F92** Reg. 7(2A) inserted (19.5.2008) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/1042), regs. 1(2), **2(c)**
- F93** Reg. 7(2A) omitted (30.10.2008) by virtue of Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(d)**
- F94** Reg. 7(2B) inserted (19.11.2023) by The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), **9(b)**
- F95** Reg. 7(3) substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(4)**
- F96** Reg. 7(5) substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **17(c)**
- F97** Words in reg. 7(5) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(5)(a)**
- F98** Word in reg. 7(5) inserted (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(5)(c)** (with reg. 6)
- F99** Reg. 7(6A) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(5)(b)**

- F100** Reg. 7(7) substituted (10.4.2006) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(3)(b)**
- F101** Words in reg. 7(7)(a) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), arts. 1(2), **6(5)**
- F102** Words in reg. 7(7)(a) substituted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **6(5)**
- F103** Words in reg. 7(7)(b)(i) added (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(5)(a)**
- F104** Words in reg. 7(7)(b)(ii)(aa) inserted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **17**
- F105** Words in reg. 7(7)(aa)(b)(ii) added (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(5)(b)**
- F106** Reg. 7(7A) inserted (6.4.2006) by Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005 (S.I. 2005/2677), regs. 1(1), **9(5)**
- F107** Words in reg. 7(7A) inserted (6.4.2016 coming into force in accordance with art. 1(2)(b)) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **18(6)**
- F108** Reg. 7(8) substituted (22.10.2012) by The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(4)(a)**
- F109** Reg. 7(8ZA) substituted (22.10.2012) by The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(4)(b)**
- F110** Reg. 7(8ZB) omitted (22.10.2012) by virtue of The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(4)(c)**
- F111** Reg. 7(8A) inserted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(e)**
- F112** Reg. 7(9) substituted (17.2.2000) by The Social Security and Child Support (Decisions and Appeals) Amendment Regulations 2000 (S.I. 2000/119), regs. 1(1), **2**
- F113** Words in reg. 7(9) inserted (31.10.2011) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/2426), regs. 1, **2(a)**
- F114** Reg. 7(9)(a) substituted (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(5)(d)** (with reg. 6)
- F115** Words in reg. 7(9)(b) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(f)**
- F116** Words in reg. 7(9)(c) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(f)**
- F117** Reg. 7(9A) inserted (31.10.2011) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/2426), regs. 1, **2(b)**
- F118** Reg. 7(12A)-(12G) inserted by S.I. 2017/725, Sch. 5 para. 11(3)(a) (as inserted) (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)**
- F119** Reg. 7(13)-(17G) omitted by S.I. 2017/725, Sch. 5 para. 11(3)(b) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)**
- F120** Reg. 7(17H) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(7)**
- F121** Reg. 7(18)-(23) omitted by S.I. 2017/725, Sch. 5 para. 11(3)(b) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)**

- F122** Reg. 7(25)(26) added (3.4.2000) by The Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897), reg. 1, **Sch. 6 para. 5** (with reg. 2(5))
- F123** Reg. 7(25) substituted (12.4.2004) by The Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 (S.I. 2003/1886), regs. 1, **15(5)**
- F124** Words in reg. 7(25)(b) substituted (26.4.2004) by Social Security (Working Neighbourhoods) Regulations 2004 (S.I. 2004/959), regs. 1, **24(4)(a)**
- F125** Words in reg. 7(25)(b)(i) substituted (26.4.2004) by Social Security (Working Neighbourhoods) Regulations 2004 (S.I. 2004/959), regs. 1, **24(4)(b)**
- F126** Reg. 7(27) omitted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010 (S.I. 2010/424), **reg. 4(5)**
- F127** Reg. 7(28) added (1.4.2002) by Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **8(c)**
- F128** Words in reg. 7(28) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **3(4)**
- F129** Reg. 7(29) inserted (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **18(f)**
- F130** Words in reg. 7(29) substituted (6.10.2003) by State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **5(3)(a)**
- F131** Reg. 7(29A)-(29C) added (6.10.2003) by State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **5(3)(b)**
- F132** Reg. 7(30)-(33) added (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(5)(e)** (with reg. 6)
- F133** Reg. 7(30A) inserted (6.4.2010) by Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **4(2)**
- F134** Words in reg. 7(31) omitted (30.10.2008) by virtue of Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(g)**
- F135** Words in reg. 7(33) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(5)(b)(i)**
- F136** Words in reg. 7(33) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 104(b)(ii)**
- F137** Words in reg. 7(33) inserted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(5)(b)(ii)**
- F138** Reg. 7(34) added (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(5)(d)**
- F139** Reg. 7(35) omitted (3.12.2012) by virtue of The Employment and Support Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2756), regs. 1(1), **8(2)** (with reg. 1(2))
- F140** Reg. 7(36) substituted (3.12.2012) by The Employment and Support Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2756), regs. 1(1), **8(3)** (with reg. 1(2))
- F141** Reg. 7(38) substituted (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **7(4)(a)**
- F142** Words in reg. 7(38) substituted (30.3.2015) by The Jobseeker's Allowance (Extended Period of Sickness) Amendment Regulations 2015 (S.I. 2015/339), regs. 1, **7(3)**
- F143** Reg. 7(40) added (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **7(4)(b)**
- F144** Reg. 7(41)(42) added (28.4.2014) by The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014 (S.I. 2014/1097), regs. 1(1), **12(5)**
- F145** Reg. 7(43) inserted (1.1.2017) (E+W+S) by The Social Security (Credits, and Crediting and Treatment of Contributions) (Consequential and Miscellaneous Amendments) Regulations 2016 (S.I. 2016/1145), regs. 1, **4(5)**

Marginal Citations

M2 S.I. 1995/311; relevant amending instruments are S.I. 1995/987, S.I. 1996/3207 and S.I. 1997/1009.

[^{F146}[^{F147} Definitions for the purposes of Chapters I and II]

7A.—(1) For the purposes of regulations 3(5)(c), 6(2)(g)[^{F148}, 6(2)(r)][^{F149}, 7(2)(c) and (5)]—

“disability benefit decision” means a decision to award a relevant benefit embodied in or necessary to which is a disability determination,

“disability determination” means—

- (a) in the case of a decision as to an award of an attendance allowance or a disability living allowance, whether the person satisfies any of the conditions in section 64, 72(1) or 73(1) to (3), as the case may be, of the Contributions and Benefits Act,
- (b) in the case of a decision as to an award of severe disablement allowance, whether the person is disabled for the purpose of section 68 of the Contributions and Benefits Act, or
- (c) in the case of a decision as to an award of industrial injuries benefit, whether the existence or extent of any disablement is sufficient for the purposes of section 103 or 108 of the Contributions and Benefits Act or for the benefit to be paid at the rate which was in payment immediately prior to that decision;

[^{F150} “employment and support allowance decision” means a decision to award a relevant benefit or relevant credit embodied in or necessary to which is a determination that a person has or is to be treated as having limited capability for work under Part 1 of the Welfare Reform Act ;]

“incapacity benefit decision” means a decision to award a relevant benefit [^{F151}or relevant credit] embodied in or necessary to which is a determination that a person is or is to be treated as incapable of work under Part XIIA of the Contributions and Benefits Act, [^{F152}or an award of long term incapacity benefit under regulation 17(1) (transitional awards of long-term incapacity benefit) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995]

“incapacity determination” means a determination whether a person is incapable of work by applying the [^{F153}personal capability assessment] in regulation 24 of the Social Security (Incapacity for Work) (General) Regulations 1995 or whether a person is to be treated as incapable of work in accordance with regulation 10 (certain persons with a severe condition to be treated as incapable of work) or 27 (exceptional circumstances) of those Regulations, and

[^{F154} “limited capability for work determination” means a determination whether a person has limited capability for work by applying the test of limited capability for work or whether a person is to be treated as having limited capability for work in accordance with regulation 20 of the Employment and Support Allowance Regulations ;]

“payee” means a person to whom a benefit referred to in paragraph (a), (b) or (c) of the definition of “disability determination”, or a benefit referred to in the definition of “incapacity benefit decision” [^{F155}or “employment and support allowance decision”] is payable.

(2) Where a person’s receipt of or entitlement to a benefit (“the first benefit”) is a condition of his being entitled to any other benefit, allowance or advantage (“a second benefit”) and a decision is revised under regulation 3(5)(c) or a superseding decision is made under regulation 6(2) to which regulation 7(2)(c)(ii) applies, the effect of which is that the first benefit ceases to be payable, or becomes payable at a lower rate than was in payment immediately prior to that revision or supersession, a consequent decision as to his entitlement to the second benefit shall take effect from the date of the change in his entitlement to the first benefit.]

Textual Amendments

- F146** Reg. 7A inserted (5.7.1999) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment \(No. 2\) Regulations 1999 \(S.I. 1999/1623\)](#), regs. 1(1), **5**
- F147** Reg. 7A heading substituted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **34(2)**
- F148** Words in reg. 7A(1) inserted (28.6.2010) by [Social Security \(Miscellaneous Amendments\) \(No.3\) Regulations 2010 \(S.I. 2010/840\)](#), regs. 1, **7(5)**
- F149** Words in reg. 7A(1) substituted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **18(a)**
- F150** Words in reg. 7A(1) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **34(3)(a)**
- F151** Words in reg. 7A inserted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **18(b)**
- F152** Words in reg. 7A(1) added (24.9.2007) by [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **3(8)**
- F153** Words in reg. 7A substituted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **18(c)**
- F154** Words in reg. 7A(1) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **34(3)(b)**
- F155** Words in reg. 7A(1) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **34(3)(c)**

[^{F156}Effective date of a supersession decision][^{F156}[^{F157}Date from which a decision superseded under section 17 of the Child Support Act takes effect]

[^{F156}Schedule 3D provides for cases and circumstances in which a supersession decision takes effect from a date other than the date specified in section 17(4) of the Child Support Act.]

Textual Amendments

- F156** Reg. 7B substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(6)** (with reg. 7)
- F157** Reg. 7B - Reg. 7C inserted (3.3.2003 for specified purposes and) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **9** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F158** Reg. 7B omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**
- F159** Reg. 7B(1A) inserted (30.4.2002) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#) , **regs. 1(3), 2(4)(a)**
- F160** Words in reg. 7B(9)(a) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 105(a)(i)**
- F161** Words in reg. 7B(9) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 105(a)(ii)**
- F162** Words in reg. 7B(9) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 105(a)(iii)**
- F163** Regs. 7B(11)-(16) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **4(4)(a)**

- F164** Reg. 7B(17A)-(17C) inserted (3.3.2003 for specified purposes being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, **art. 3**) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(b), 3(2)
- F165** Reg. 7B(19) omitted (30.4.2002) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), **regs. 1(3), 2(4)(b)**
- F166** Words in reg. 7B(21)(a) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), **regs. 1, 4(4)(b)**
- F167** Reg. 7B(22A) inserted (3.3.2003 for specified purposes being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, art. 3, 5.5.2003 in so far as not already in force) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1050\)](#), **regs. 1(1)(b), 3(6)** (with reg. 6)
- F168** Words in reg. 7B(22A) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), **art. 1, Sch. 1 para. 105(b)(i)**
- F169** Words in reg. 7B(22A) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), **art. 1, Sch. 1 para. 105(b)(ii)**

Procedure where the Secretary of State proposes to supersede a decision under section 17 of the Child Support Act on his own initiative

7C. [^{F170}Where the [^{F171}Secretary of State] on [^{F171}the Secretary of State's] own initiative proposes to make a decision superseding a decision [^{F171}the Secretary of State] shall notify the relevant persons who could be materially affected by the decision of that intention.]]

Textual Amendments

- F157** Reg. 7B - Reg. 7C inserted (3.3.2003 for specified purposes and) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **9** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F170** Reg. 7C omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), **regs. 1(4), 6(3)**
- F171** Words in reg. 7C substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), **art. 1(2), Sch. para. 113(6)**

Effective date for late notifications of change of circumstances

8.—(1) For the purposes of regulation 7(2) [^{F172}and (9)], a longer period of time may be allowed for the notification of a change of circumstances in so far as it affects the effective date of the change where the conditions specified in the following provisions of this regulation are satisfied.

(2) An application for the purposes of regulation 7(2) [^{F173}or (9)] shall be made by the claimant or a person acting on his behalf.

(3) The application referred to in paragraph (2) shall—

(a) contain particulars of the relevant change of circumstances and the reasons for the failure to notify the change of circumstances on an earlier date; and

[^{F174}(b) be made—

(i) within 13 months of the date the change occurred; or

(ii) in the case of an application for the purposes of regulation 7(9)(b), within 13 months of the date on which the claimant satisfied the conditions of entitlement to the particular rate of benefit.]

(4) An application under this regulation shall not be granted unless the Secretary of State is satisfied [^{F175}or the Board are satisfied] that—

- (a) it is reasonable to grant the application;
- (b) the change of circumstances notified by the applicant is relevant to the decision which is to be superseded; and
- (c) special circumstances are relevant to the application and as a result of those special circumstances it was not practicable for the applicant to notify the change of circumstances within one month of the change occurring.

(5) In determining whether it is reasonable to grant the application, the Secretary of State [^{F176}or the Board] shall have regard to the principle that the greater the amount of time that has elapsed between the date one month after the change of circumstances occurred and the date the application for the purposes of regulation 7(2) [^{F177}or (9)] is made, the more compelling should be the special circumstances on which the application is based.

(6) In determining whether it is reasonable to grant an application, no account shall be taken of the following—

- (a) that the applicant or any person acting for him was unaware of, or misunderstood, the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by these Regulations); or
- (b) that [^{F178}the Upper Tribunal] or a court has taken a different view of the law from that previously understood and applied.

(7) An application under this regulation which has been refused may not be renewed.

Textual Amendments

- F172** Words in reg. 8(1) inserted (17.2.2000) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment Regulations 2000 \(S.I. 2000/119\)](#), regs. 1(1), **3(a)**
- F173** Words in reg. 8(2) inserted (17.2.2000) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment Regulations 2000 \(S.I. 2000/119\)](#), regs. 1(1), **3(b)**
- F174** Reg. 8(3)(b) substituted (6.4.2010) by [Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **4(3)**
- F175** Words in reg. 8(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **11(a)**
- F176** Words in reg. 8(5) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **11(b)**
- F177** Words in reg. 8(5) inserted (17.2.2000) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment Regulations 2000 \(S.I. 2000/119\)](#), regs. 1(1), **3(b)**
- F178** Words in reg. 8(6)(b) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 106**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, CHAPTER II.