
STATUTORY INSTRUMENTS

2002 No. 1379

The Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002

3. In regulation 3 (revision of decisions)—
- (a) in paragraph (1)^{M1} for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs—
- “(a) he or they commence action leading to revision within one month of the date of notification of the original decision; or
- (b) an application for a revision is received by the Secretary of State or the Board or an officer of the Board at the appropriate office—
- (i) subject to regulation 9A(3), within one month of the date of notification of the original decision;
- (ii) where a written statement is requested under paragraph (1)(b) of regulation 28 and is provided within the period specified in head (i), within 14 days of the expiry of that period;
- (iii) where a written statement is requested under paragraph (1)(b) of regulation 28 and is provided after the period specified in head (i), within 14 days of the date on which the statement is provided; or
- (iv) within such longer period as may be allowed under regulation 4.”;
- (b) after paragraph (4) there shall be inserted the following paragraph—
- “(4A) Where there is an appeal against an original decision (within the meaning of paragraph (1)) within the time prescribed in regulation 31, or in a case to which regulation 32 applies within the time prescribed in that regulation, but the appeal has not been determined, the original decision may be revised at any time.”;
- (c) after paragraph (5) there shall be inserted the following paragraph—
- “(5A) Where—
- (a) the Secretary of State or the Board or an officer of the Board, as the case may be, makes a decision under section 8 or 10, or that decision is revised under section 9, in respect of a claim or award (“decision A”) and the claimant appeals against decision A;
- (b) decision A is superseded or the claimant makes a further claim which is decided (“decision B”) after the claimant made the appeal but before the appeal results in a decision by an appeal tribunal (“decision C”); and
- (c) the Secretary of State or the Board or an officer of the Board, as the case may be, would have made decision B differently if he or they had been aware of decision C at the time he or they made decision B,
- decision B may be revised at any time.”;
- (d) after paragraph (7) there shall be inserted the following paragraph—

Changes to legislation: *There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002, Section 3. (See end of Document for details)*

“(7A) Where a decision as to a claimant’s entitlement to a disablement pension under section 103 of the Contributions and Benefits Act is revised by the Secretary of State, or changed on appeal, a decision of the Secretary of State as to the claimant’s entitlement to reduced earnings allowance under paragraph 11 or 12 of Schedule 7 to that Act may be revised at any time provided that the revised decision is more advantageous to the claimant than the original decision.”;

and

(e) in paragraph (11)—

(i) in sub-paragraph (a) for the words “Department of Social Security or the Department for Education and Employment” there shall be substituted the words “ Department for Work and Pensions ”; and

(ii) in sub-paragraph (c) for the words “Department of Social Security” there shall be substituted the words “ Department for Work and Pensions ”.

Marginal Citations

M1 Paragraph (1) was amended by [S.I. 1999/2570](#) and 2677.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002, Section 3.