
STATUTORY INSTRUMENTS

2005 No. 859

**The Reserve Forces (Call-out and Recall)
(Financial Assistance) Regulations 2005**

PART 4

MAKING A CLAIM

Time limits for making a claim

8.—(1) A claim under these Regulations may not be made before the relevant date.

(2) A claim for an award other than a training award shall not be made more than 4 weeks after the end of the relevant period unless an adjudication officer agrees to an extended period.

(3) A claim for a training award must be made within 8 weeks of the reservist completing the relevant training, and, subject to paragraph (4), the relevant training must be completed within 6 months of the reservist's return to employment following the relevant period ("the initial 6 months").

(4) If the relevant training is not available within the initial 6 months, such training—

- (a) must be completed within the first 12 months from the end of the relevant period; and
- (b) the employer must give, within the initial 6 months, written notice of the intention that the reservist undertake such training to an adjudication officer.

Person to whom claims should be made

9. A claim shall be made to a person specified in Schedule 3.

Claimant's personal representative

10.—(1) Any steps required to be taken by a claimant under this Part may, except for claims to which paragraph (2) applies, be taken by any person having written authority from the claimant to do so, if the claimant has supplied a copy of that authority to an adjudication officer.

(2) In the event of the death of the claimant or of a person who, if he had survived could have been a claimant, a claim may be continued or made as the case may be, by his personal representatives for the benefit of his estate.

Information and documentation to be furnished in relation to claims

11.—(1) When making a claim under regulation 3 a reservist must supply the information specified in Schedule 1 to an adjudication officer.

(2) When making a claim under regulation 4 a reservist must supply the information set out in Schedule 1 except those items specified in paragraphs (1)(e), (f), (g), (h), (i), (j) and (l).

(3) When making a claim under regulation 5 a reservist must supply the information set out in Schedule 1 except those items specified in paragraphs (1)(e), (f), (g), (h) and (j) to an adjudication officer together with—

- (a) the name and address of the pension administrator for the pension scheme which is the subject of regulation 5;
 - (b) any details sufficient to enable identification of his pension records;
 - (c) a written notice of his intention to continue to meet his pension contributions.
- (4) When making a claim under regulation 6 an employer must supply the information specified in paragraph (1) of Schedule 2 to an adjudication officer.
- (5) When making a claim under regulation 7 an employer must supply the information specified in paragraphs (1)(a) to (c) of Schedule 2 to an adjudication officer together with—
- (a) a statement of the training that the reservist is required to undertake for the performance of his job;
 - (b) a statement that the claim makes the maximum use of opportunities to re-acquire the necessary standard at no additional cost to the employer through such free training as may be available or workplace experience;
 - (c) invoices for the relevant training.
- (6) An adjudication officer may require a claimant to furnish such other information or documents in connection with a claim as an adjudication officer may at any time reasonably require.
- (7) A person who has furnished information under this regulation shall notify an adjudication officer of any—
- (a) inaccuracy in, or change to, that information; or
 - (b) event

which might materially affect the claim, no later than 14 days after the inaccuracy, change or event comes to that person's attention. The provision of such information shall entitle an adjudication officer to review the original determination in accordance with paragraph 1(d) of regulation 14.

Determination and payment of claims

12.—(1) An adjudication officer shall consider a claim promptly and in accordance with the relevant provisions of these Regulations.

(2) Where that determination takes into account any estimated cost or expense or any future event, it shall be a preliminary determination subject to confirmation when evidence of the actual amount or the occurrence of the event is provided.

(3) As soon as reasonably practicable after making his determination an adjudication officer shall provide to the claimant a written notification of his determination containing a statement—

- (a) giving reasons for the determination;
- (b) showing how any award has been calculated and the factors that were taken in to account when awarding that amount;
- (c) that the claimant may, if he is dissatisfied with the determination of his claim, appeal against the determination to a reserve forces appeal tribunal, and giving the address to which such an appeal should be sent.

Rejection of claims for non-compliance with the Regulations

13. An adjudication officer may reject a claim if the claimant has failed without reasonable excuse to comply with—

- (a) any requirement under paragraphs (1), (2), (3), (4) or (5) of regulation 11 to furnish information or documentation;
- (b) any of the time limits prescribed in regulation 8 above.

Additional powers of adjudication officers

14.—(1) An adjudication officer may—

- (a) treat the requirement to furnish information or documentation under paragraphs (1), (2), (3), (4) or (5) of regulation 11 as having been satisfied if he already has that information or documentation when the claimant makes his claim;
- (b) proceed to process a claim despite the fact that the information or documentation required under paragraphs (1), (2), (3), (4) or (5) of regulation 11 has not been supplied with the claim because such information or documentation is not readily available, but where the claimant undertakes to supply such information or documentation as soon as it does become available;
- (c) make an interim award pending the final determination of a claim;
- (d) review a determination at any time until the beginning of the hearing by a reserve forces appeal tribunal of an appeal against that determination or the expiry of 6 years, whichever is the earlier;
- (e) following any review of a determination, set aside the determination and substitute a new determination.

(2) If an adjudication officer proposes to exercise his power under paragraph (1)(d), he shall provide written notice of his intention to do so to the claimant as soon as reasonably practicable.

Withdrawal of a claim

15. A claimant may withdraw a claim, or any part of a claim, at any time by providing written notice of such to an adjudication officer.