SCHEDULE 2

Procedures for making, revoking and revising determinations and for payment and recovery of compensation

# Part 1

## Procedure for making of determinations

**1.** In this Part "signed statement" means a statement that is either—

(a) signed by the applicant; or

(b) signed on the applicant's behalf by a person with authority to bind the applicant ("signatory").

**2.** Within the period of 28 days beginning with the date on which the Secretary of State receives an application, the Secretary of State must, if no additional information is required under paragraph 3, notify the applicant in writing—

(a) of a determination of entitlement and a determination as to amount, specifying in respect of the applicant—

(i) the amounts payable to that person for income losses and (as the case may be) for each of the non-income losses, as well as the total amount payable to that person, as calculated in accordance with regulation 6; and

(ii) where the total amount payable differs from the amount claimed in the application, the reasons for the difference; or

(b) that the application has been unsuccessful, specifying the reasons why the Secretary of State considers that the applicant does not fulfil the requirements set out in regulation 4(3).

**3.** If the Secretary of State requires additional information in order to substantiate the whole or any part of the applicant's claim, the Secretary of State must within a period of 28 days beginning with the date on which the Secretary of State receives an application, notify the applicant in writing of the additional information required and the reasons for requesting that additional information.

**4.** A notification under paragraph 3 may include a request for the applicant's consent for the Secretary of State to make reasonable enquiries of a person who holds information that is relevant to the applicant's claim, for the purpose of substantiating any part of the applicant's claim.

**5.**—(1) If notification is given under paragraph 3 the applicant must provide the Secretary of State with—

(a) such of the additional information requested in the notification as the applicant is reasonably able to provide and, where any of the requested additional information is not provided, such information as the applicant has available and a written explanation as to why the applicant is unable to provide the requested additional information; and

(b) a signed statement that the additional information provided is true to the best of the applicant's knowledge and belief.

(2) The information and statement referred to in sub-paragraph (1) must be provided within a period of 28 days beginning with the date on which the notification was given unless special circumstances justify a longer period.

**6.** Within the period of 28 days of the date of receipt of the additional information and statement provided under paragraph 5 the Secretary of State must notify the applicant in writing—

(a) of a determination of entitlement and a determination as to amount, specifying in respect of the applicant—

(i) the amounts payable to that person for income losses and (as the case may be) for each of the non-income losses, as well as the total amount payable to that person, as calculated in accordance with regulation 6; and

(ii) where the amount payable in accordance with the determination as to amount differs from the amount claimed in that person's application, the reasons for the difference; or

(b) that the application has been unsuccessful, specifying the reasons why the Secretary of State considers that the applicant does not fulfil the requirements set out in regulation 4(3).

**7.** Paragraphs 2 and 6 do not prevent the Secretary of State, where the Secretary of State sees fit, from determining entitlement in respect of any part of an application, pending the Secretary of State's decision as to whether compensation is payable in respect of each of the income and non-income losses claimed by the applicant.

**8.** Where the procedure in this Schedule applies by virtue of regulation 4(2)(b) the reference in paragraph 2 to the Secretary of State receiving an application is to be treated as a reference to the date on which the Tribunal makes a relevant order in respect of an applicant and for the purpose of paragraph (2)(b)(ii) of that regulation—

(a) there is to be omitted from Part 1 of this Schedule—

(i) paragraph 7;

(ii) sub-paragraph (b) of paragraphs 2 and 6;

(iii) the references in paragraphs 2 and 6 to "determination of entitlement"; and

(b) if the Secretary of State has, before the date of the relevant order, made a determination of entitlement in respect of the applicant, the references in paragraphs 2 and 6 to "determination as to amount" are to be treated as including a reference to revising a determination as to amount.