
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security and Child Support (Decisions and Appeals) Regulations 1999 ([S.I.1999/991](#)) (“the Decisions and Appeals Regulations”) to enable the Secretary of State to require a person to apply for a social security decision to be revised pursuant to section 9 of the Social Security Act 1998 before the person is permitted to appeal to the First-tier Tribunal (see new regulation 3ZA of the Decisions and Appeals Regulations, as inserted by regulation 4(3) of these Regulations).

The restriction applies where the Secretary of State gives a person written notice to that effect. In such cases, a person has a right of appeal only if the Secretary of State has considered on an application whether to revise the decision.

New regulation 3ZA(5) also makes provision for the Secretary of State to treat a purported appeal as an application for a revision.

These Regulations also make similar changes to regulations relating to certain other appeals. These are appeals relating to:

- vaccine damage payments (regulation 2);
- certain child support decisions (regulations 3 and 6);
- certificates of recoverable benefits and certificates of recoverable lump sum payments (regulation 4(6));
- payments in respect of mesothelioma (regulation 5).

These Regulations also make related amendments to enable a person who must apply for a decision to be revised before they are permitted to appeal to request a written statement of reasons for the decision, specifying the time within which that statement is to be provided and for extending the time in which a person is able to make an application for a decision to be revised (see, for example, new regulation 3ZA(3) and (4) of the Decisions and Appeals Regulations).

Regulation 2(2) amends the Vaccine Damage Payments Regulations 1979 ([S.I. 1979/432](#)) to enable an application for a decision to be reversed to be made at any time instead of within 6 years of the date of notification of the decision in all cases.

Regulation 5 also amends the Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations 2008 ([S.I. 2008/1595](#)) (“the Mesothelioma Regulations”) by inserting new regulation 4A which enables the Secretary of State to extend the time by which a person must apply for reconsideration of a determination.

These Regulations also revoke provisions in the Decisions and Appeals Regulations which require a notice of appeal to be sent or delivered to the decision maker and for connected purposes (regulation 4(10)). The procedure for appeals in such cases will instead be set out in the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 ([S.I. 2008/2835](#)). There are similar revocations in regulation 5(5) in relation to the Mesothelioma Regulations and in regulation 6(4) in the case of the Child Support Maintenance Calculation Regulations 2012 ([S.I. 2012/2677](#)).

Regulation 7 contains consequential amendments to other regulations relevant to appeals.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 No. 2380*

Regulation 8 contains a saving in relation to appeals where the notification of the decision to which the appeal relates is sent before the date on which these Regulations come into force in that person's case.

It also ensures that regulation 34 (death of a party to an appeal) of the Decisions and Appeals Regulations continues in effect in so far as it applies to appeals concerning the recovery of NHS charges in Scotland.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.