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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013**

**Amendment of the Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations 2008**

5.—(1) The Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations 2008(1) are amended as follows.

(2) At the end of regulation 4(1)(a) (reconsideration), omit “and”.

(3) After that sub-paragraph, insert—

“(aa) where a written statement is requested under regulation 4B(3) (reconsideration before appeal) and is provided within the period specified in sub-paragraph (a) above, be made within 14 days of the expiry of that period,

(ab) where a written statement is requested under regulation 4B(3) (reconsideration before appeal) and is provided after the period specified in sub-paragraph (a) above, be made within 14 days of the date on which the statement is provided, or

(ac) be made within such longer period as may be allowed under regulation 4A (late application for reconsideration), and ”.

(4) After regulation 4 (reconsideration), insert—

**“Late application for reconsideration**

**4A.** Where, in a case to which regulation 4B (reconsideration before appeal) applies, the Secretary of State considers there was good cause for not applying for reconsideration of a determination within the time limit specified in regulation 4(1) (reconsideration), he may extend the time limit for such period as he considers appropriate in the circumstances.

**Reconsideration before appeal**

**4B.—**(1) This regulation applies in a case where—

- (a) the Secretary of State gives a person written notice of a determination made on a claim; and
- (b) that notice includes a statement to the effect that there is a right of appeal to the First-tier Tribunal in relation to the determination only if the Secretary of State has, on an application, decided whether to reconsider the determination.

(2) In a case to which this regulation applies, a person may appeal against the determination only if the Secretary of State has decided on an application whether to reconsider the

determination under section 49 of the Child Maintenance and Other Payments Act 2008 (“the 2008 Act”).

- (3) The notice referred to in paragraph (1) must inform the person—
  - (a) of the time limit specified in regulation 4(1) for making an application for reconsideration of the determination; and
  - (b) that, where the notice does not include a statement of the reasons for the determination (“written reasons”), he may, within one month of the date of notification of the determination, request that the Secretary of State provide him with written reasons.

(4) Where written reasons are requested under paragraph (3)(b), the Secretary of State must provide them within 14 days of receipt of the request or as soon as practicable afterwards.

(5) Where, as the result of paragraph (2), there is no right of appeal against a determination made on a claim, the Secretary of State may treat any purported appeal as an application for reconsideration of the determination under section 49 of the 2008 Act.”

(5) Subject to regulation 8(1) (transitional and savings provisions) of these Regulations, omit regulation 5(2) and (3) (appeal treated as a reconsideration) and regulation 6 (appeals).