
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Diffuse Mesothelioma Payment Scheme Regulations 2014

Reviews and appeals

Review initiated by the scheme administrator

22.—(1) Where the scheme administrator receives information after a determination is made which calls the determination into question, the scheme administrator—

- (a) may decide on its own initiative to conduct a review of any determination referred to in regulation 21(1); and
- (b) must notify the applicant in writing of the review and the reasons for it.

(2) The grounds on which a review under this regulation may be held include that—

- (a) whether fraudulently or otherwise, any person has misrepresented or failed to disclose a material fact and the determination to make a payment under the scheme or to require a repayment was made in consequence of the misrepresentation or failure;
- (b) the determination to make any such payment or require any such repayment was based on a mistake as to a material fact;
- (c) there was an error or omission which affected the substance of the determination whether to make a payment under the scheme or the amount of any payment made; or
- (d) there was an error or omission which affected the substance of the determination whether to require a repayment or the amount of any repayment required.

(3) The applicant may submit written representations to the scheme administrator about the scheme administrator's decision to conduct a review and about any information on which the decision to conduct a review was based.

(4) Any representation which is made under paragraph (3) must be sent so that it is received by the scheme administrator not later than one month after the date of the scheme administrator's notice of the review under paragraph (1)(b).

(5) The scheme administrator may extend the time limit in paragraph (4) by a further period where the scheme administrator considers that there was good reason for the failure to submit written representations before the end of that initial period and for any delay since then in submitting written representations.