



# Social Security Act 1975

## 1975 CHAPTER 14

### PART III

#### DETERMINATION OF CLAIMS AND QUESTIONS

##### *Adjudication in relation to attendance allowance*

#### **105 Attendance Allowance Board**

- (1) The Attendance Allowance Board constituted under section 5 of the National Insurance Act 1970 shall continue in being by that name.
- (2) Schedule 11 to this Act has effect with respect to the Board and their affairs; and—
  - (a) Part I of the Schedule relates to the Board's membership and the method by which their functions are to be performed; and
  - (b) Part II relates to the Board's personnel, administration and expenses; but regulations may make further provision as to the constitution and procedure of the Board.
- (3) Subject to section 106 below, any question whether a person satisfies or has satisfied, or is likely to satisfy, for any period the conditions set out in paragraph (a) or (b) of section 35(1) of this Act shall be determined by the Board.

#### **106 Review of, and appeal from, Board's decision**

- (1) The Attendance Allowance Board may—
  - (a) at any time review a determination of theirs under section 105(3) above, or under this paragraph or paragraph (b) below, if they are satisfied that there has been a relevant change of circumstances since the determination was made, or that the determination was made in ignorance of a material fact or was based on a mistake as to a material fact;
  - (b) within the prescribed period review such a determination on any ground;

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*Status: This is the original version (as it was originally enacted). This  
item of legislation is currently only available in its original format.*

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- (c) issue a certificate under section 35(2), or revoke or alter a certificate so issued, if they consider it appropriate to do so in consequence of a review in pursuance of this subsection.
- (2) Provision shall be made by regulations for enabling appeals to be brought to a Commissioner, with his leave or that of another Commissioner, against a determination by the Board of any question of law arising on a review under subsection (1) above or arising in connection with a refusal by the Board to review a determination made by them under section 105(3) or this section.

In this subsection references to the Board include a delegate appointed in pursuance of paragraph 5 of Schedule 11 to this Act.

- (3) Regulations under subsection (2) above may provide for the application, to an appeal brought in pursuance of the regulations, of section 116 of this Act (Tribunal of 3 Commissioners to sit, when so directed by the Chief National Insurance Commissioner or his deputy).
- (4) Provision may be made by regulations with respect to applications for reviews of determinations under section 105(3) and this section and with respect to the disposal of such applications ; but nothing in this subsection prevents such a review from being undertaken in a case where no application is made.