
STATUTORY INSTRUMENTS

1999 No. 991

The Social Security and Child Support (Decisions and Appeals) Regulations 1999

PART II

^{F1}REVISIONS, SUPERSESIONS AND OTHER MATTERS SOCIAL SECURITY [^{F2}AND CHILD SUPPORT]

Textual Amendments

- F1** Pts. II III IV revoked (7.4.2003 for specified purposes and with effect in accordance with reg. 1(2)) by [The Child Benefit and Guardian s Allowance \(Decisions and Appeals\) Regulations 2003 \(S.I. 2003/916\)](#) , regs. 1(1) , **34(a)** (with reg. 35)
- F2** Words in Pt. II added (3.3.2003 for specified purposes and) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#) , reg. 1(1)(2)**4** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)

CHAPTER I

REVISIONS

Revision of decisions

3.—(1) Subject to the following provisions of this regulation, any decision of the Secretary of State [^{F3}or the Board or an officer of the Board] under section 8 or 10 (“the original decision”) may be revised by him [^{F4}or them] if—

- [^{F5}(a) he or they commence action leading to revision within one month of the date of notification of the original decision; or
- (b) an application for a revision is received by the Secretary of State or the Board or an officer of the Board at the appropriate office—
- (i) subject to regulation 9A(3), within one month of the date of notification of the original decision;
 - (ii) where a written statement is requested under [^{F6}paragraph (3)(b) of regulation 3ZA or] paragraph (1)(b) of regulation 28 and is provided within the period specified in head (i), within 14 days of the expiry of that period;
 - (iii) where a written statement is requested under [^{F6}paragraph (3)(b) of regulation 3ZA or] paragraph (1)(b) of regulation 28 and is provided after the period specified in head (i), within 14 days of the date on which the statement is provided; or
 - (iv) within such longer period as may be allowed under regulation 4.]

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Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

(2) Where the Secretary of State [^{F3}or the Board or an officer of the Board] requires further evidence or information from the applicant in order to consider all the issues raised by an application under paragraph (1)(b) (“the original application”), he [^{F7}or they] shall notify the applicant that further evidence or information is required and the decision may be revised—

- (a) where the applicant provides further relevant evidence or information within one month of the date of notification or such longer period of time as the Secretary of State [^{F3}or the Board or an officer of the Board] may allow; or
- (b) where the applicant does not provide such evidence or information within the time allowed under sub-paragraph (a), on the basis of the original application.

(3) In the case of a payment out of the social fund in respect of maternity or funeral expenses, a decision under section 8 may be revised where the application is made—

- (a) within one month of the date of notification of the decision, or if later
- (b) within the time prescribed for claiming such a payment under regulation 19 of, and Schedule 4 to, the Claims and Payments Regulations ^{M1}, or
- (c) within such longer period of time as may be allowed under regulation 4.

(4) In the case of a decision made under the Pension Schemes Act 1993 ^{M2} by virtue of section 170(2) of that Act, the decision may be revised at any time by [^{F8}an officer of the Board] where it contains an error.

[^{F9}(4A) Where there is an appeal against an original decision (within the meaning of paragraph (1)) within the time prescribed [^{F10}by Tribunal Procedure Rules] but the appeal has not been determined, the original decision may be revised at any time.]

(5) A decision of the [^{F11}Secretary of State [^{F11}Board or an officer of the Board]] under section 8 or 10—

- (a) [^{F12}except where paragraph (5ZA) applies] which arose from an official error; or
- (b) [^{F13}which was made in ignorance of, or was based on a mistake as to, some material fact,]
- [^{F15}(c) [^{F16}subject to sub-paragraph (d),] where the decision is a disability benefit decision, or is an incapacity benefit decision where there has been an incapacity determination [^{F17}or is an employment and support allowance decision where there has been a limited capability for work determination] (whether before or after the decision), which was made in ignorance or, or was based upon a mistake as to, some material fact in relation to a disability determination embodied in or necessary to the disability benefit decision [^{F18}, the incapacity determination or the limited capability for work determination], and
 - (i) as a result of that ignorance of or mistake as to that fact the decision was more advantageous to the claimant than it would otherwise have been but for that ignorance or mistake and,
 - (ii) the Secretary of State is satisfied that at the time the decision was made the claimant or payee knew or could reasonably have been expected at the time the decision was made to know of the fact in question and that it was relevant to the decision,]
- [^{F19}(d) where the decision [^{F20}is an employment and support allowance decision,] is a disability benefit decision, or is an incapacity benefit decision, which was made in ignorance of, or was based upon a mistake as to, some material fact not in relation to the [^{F21}limited capability for work determination,] incapacity or disability determination embodied in or necessary to [^{F22}the employment and support allowance decision,] the incapacity benefit decision or disability benefit decision, and as a result of that ignorance of, or mistake as

to that fact, the decision was more advantageous to the claimant than it would otherwise have been but for the ignorance or mistake,]

may be revised [^{F23}at any time by the Secretary of State. [^{F23}by the Board or an officer of the Board at any time not later than the end of the period of six years immediately following the date of the decision or, where ignorance of the material fact referred to in sub-paragraph (b) was caused by the fraudulent or negligent conduct of the claimant, not later than the end of the period of twenty years immediately following the date of the decision.]]

[^{F24}(5ZA) This paragraph applies where—

- (a) the decision which would otherwise fall to be revised is a decision to award a benefit specified in paragraph (5ZB), whether or not the award has already been put in payment;
- (b) that award was based on the satisfaction by a person of the contribution conditions, in whole or in part, by virtue of credits of earnings for incapacity for work or approved training in the tax years from 1993-94 to 2007-08;
- (c) the official error derives from the failure to transpose correctly information relating to those credits from the Department for Work and Pensions' Pension Strategy Computer System to Her Majesty's Revenue and Customs' computer system (NIRS2) or from related clerical procedures; and
- (d) that error has resulted in an award to the claimant which is more advantageous to him than if the error had not been made.

(5ZB) The specified benefits are—

- (a) bereavement allowance;
- (b) contribution-based jobseeker's allowance;
- (c) incapacity benefit;
- (d) retirement pension;
- (e) widowed mother's allowance;
- (f) widowed parent's allowance; ^{F25} ...
- (g) widow's pension; [^{F26}and
- (h) contributory employment and support allowance.]

(5ZC) In paragraph (5ZA)(b), "tax year" has the meaning ascribed to it by section 122(1) of the Contributions and Benefits Act.]

[^{F27}(5A) Where—

- (a) the Secretary of State or the Board or an officer of the Board, as the case may be, makes a decision under section 8 or 10, or that decision is revised under section 9, in respect of a claim or award ("decision A") and the claimant appeals against decision A;
- (b) decision A is superseded or the claimant makes a further claim which is decided ("decision B") after the claimant made the appeal but before the appeal results in a decision by [^{F28}the First-tier Tribunal] ("decision C"); and
- (c) the Secretary of State or the Board or an officer of the Board, as the case may be, would have made decision B differently if he or they had been aware of decision C at the time he or they made decision B,

decision B may be revised at any time.]

[^{F29}(5B) A decision by the Secretary of State under section 8 or 10 awarding incapacity benefit may be revised at any time if—

Status: Point in time view as at 30/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- (a) it incorporates a determination that the condition in regulation 28(2)(b) of the Social Security (Incapacity for Work) (General) Regulations 1995 (conditions for treating a person as incapable of work until the personal capability assessment is carried out) is satisfied;
- (b) the condition referred to in sub-paragraph (a) was not satisfied at the time when the further claim was first determined; and
- (c) there is a period before the award which falls to be decided.]

[^{F30}(5C) A decision of the Secretary of State under section 10 made in consequence of a failure determination may be revised at any time if it contained an error to which the claimant did not materially contribute;]

(5D) [^{F31}A decision by the Secretary of State under section 8 or 10 awarding an employment and support allowance may be revised at any time if—

- (a) it incorporates a determination that the conditions in regulation 30 of the Employment and Support Allowance Regulations are satisfied;
- (b) the condition referred to in sub-paragraph (a) was not satisfied at the time when the claim was made; and
- (c) there is a period before the award which falls to be decided.]

[^{F32}(5E) A decision under section 8 or 10 awarding an employment and support allowance may be revised if—

- (a) the decision of the Secretary of State awarding an employment and support allowance was made on the basis that the claimant had made and was pursuing an appeal against a decision of the Secretary of State that the claimant did not have limited capability for work (“the original decision”); and
- (b) the appeal to the First-tier Tribunal in relation to the original decision is successful.

(5F) A decision under section 8 or 10 awarding an employment and support allowance may be revised if—

- (a) the person’s current period of limited capability for work is treated as a continuation of another such period under regulation 145(1) ^{F33} ... of the Employment and Support Allowance Regulations; and
- (b) regulation 7(1)(b) of those Regulations applies.]

[^{F34}(5G) Where—

- (a) a person’s entitlement to an employment and support allowance is terminated because of a decision which embodies a determination that the person does not have limited capability for work;
- (b) the person appeals that decision to the First-tier Tribunal;
- (c) before or after that decision is appealed by the person, that person claims and there is a decision to award—
 - (i) income support, or
 - (ii) jobseeker’s allowance; and
- (d) the decision referred to in sub-paragraph (a) is successfully appealed,

the decision to award income support or jobseeker’s allowance may be revised.

(5H) Where—

- (a) a conversion decision within the meaning of regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit)

(Existing Awards) (No. 2) Regulations 2010 (deciding whether an existing award qualifies for conversion) is made in respect of a person;

- (b) the person appeals that decision to the First-tier Tribunal;
- (c) before or after that decision is appealed by the person, that person claims and there is a decision to award—
 - (i) income support, or
 - (ii) jobseeker’s allowance; and
- (d) the decision referred to in sub-paragraph (a) is successfully appealed,

the decision to award income support or jobseeker’s allowance may be revised.]

[^{F35}(5I) Where—

- (a) a decision to terminate a person’s entitlement to a contributory employment and support allowance is made because of section 1A of the Welfare Reform Act (duration of contributory allowance); and
- (b) it is subsequently determined, in relation to the period of entitlement before that decision, that the person had or is treated as having had limited capability for work-related activity,

the decision to terminate that entitlement may be revised.]

[^{F36}(5J) A decision by the Secretary of State under section 8 awarding an employment and support allowance may be revised at any time where—

- (a) it is made immediately following the last day of a period for which the claimant was treated as capable of work or as not having limited capability for work under regulation 55ZA of the Jobseeker’s Allowance Regulations or regulation 46A of the Jobseeker’s Allowance Regulations 2013 (extended period of sickness) and that period lasted 13 weeks; and
- (b) it is not a decision which embodies a determination that the claimant is treated as having limited capability for work under regulation 30 of the Employment and Support Allowance Regulations (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made).]

[^{F37}(6) A decision of the Secretary of State under section 8 or 10 that a jobseeker’s allowance is reduced in accordance with section 19 or 19A of the Jobseeker’s Act or regulation 69B of the Jobseeker’s Allowance Regulations may be revised at anytime by the Secretary of State.]

[^{F38}(6A) A relevant decision within the meaning of section 2B(2) [^{F39}or (2A)] of the Administration Act may be revised at any time if it contains an error.]

[^{F40}(6B) A decision of the Secretary of State under section 8 or 10 awarding a jobseeker’s allowance may be revised where the Secretary of State makes a decision under regulation 69B (the period of a reduction under section 19B: claimants ceasing to be available for employment etc.) of the Jobseeker’s Allowance Regulations (“the JSA Regulations ”) that the amount of the award is to be reduced in accordance with regulations 69B and 70 of the JSA Regulations .]

[^{F41}(7) Where—

- (a) the Secretary of State or an officer of the Board makes a decision under section 8 or 10 awarding a relevant benefit to a claimant (“the original award”); and
- (b) an award of another relevant benefit or of an increase in the rate of another relevant benefit is made to the claimant or a member of his family for a period which includes the date on which the original award took effect,

the Secretary of State or an officer of the Board, as the case may require, may revise the original award.]

[^{F42}(7ZA) Where—

Status: Point in time view as at 30/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- (a) the Secretary of State makes a decision under section 8 or 10 awarding income support^[F43], ^[F44]income-based jobseeker's allowance,] state pension credit or an income-related employment and support allowance] to a claimant ("the original award");
- (b) the claimant has a non-dependant within the meaning of regulation 3 of the Income Support Regulations^[F45], regulation 2 of the Jobseeker's Allowance Regulations^[F46] or regulation 71 of the Employment and Support Allowance Regulations] or a person residing with him within the meaning of paragraph 1(1)(a)(ii), (b)(ii) or (c)(iii) of Schedule I to the State Pension Credit Regulations ("the non-dependant");
- (c) but for the non-dependant—
 - (i) a severe disability premium would be applicable to the claimant under regulation 17(1)(d) of the Income Support Regulations^[F47], regulation 83(e) or 86A(c) of the Jobseeker's Allowance Regulations^[F48] or regulation 67 of the Employment and Support Allowance Regulations] ; or
 - (ii) an additional amount would be applicable to the claimant as a severe disabled person under regulation 6(4) of the State Pension Credit Regulations; and
- (d) after the original award the non-dependant is awarded benefit which—
 - (i) is for a period which includes the date on which the original award took effect; and
 - (ii) is such that a severe disability premium becomes applicable to the claimant under paragraph 13(3)(a) of Schedule 2 to the Income Support Regulations^[F49], paragraph 15(4)(a) or 20I(3)(a) of Schedule 1 to the Jobseeker's Allowance Regulations^[F50], paragraph 6(4)(a) of Schedule 4 to the Employment and Support Allowance Regulations] or an additional amount for severe disability becomes applicable to him under paragraph 2(2)(a) of Schedule I to the State Pension Credit Regulations,

the Secretary of State may revise the original award.]

^[F51(7A)] Where a decision as to a claimant's entitlement to a disablement pension under section 103 of the Contributions and Benefits Act is revised by the Secretary of State, or changed on appeal, a decision of the Secretary of State as to the claimant's entitlement to reduced earnings allowance under paragraph 11 or 12 of Schedule 7 to that Act may be revised at any time provided that the revised decision is more advantageous to the claimant than the original decision.]

^[F52(7B)] A decision under regulation 22A of the Income Support Regulations (reduction in applicable amount where the claimant is appealing against a decision which embodies a determination that he is not incapable of work) may be revised if the appeal is successful ^[F53]or lapses].

(7C) Where a person's entitlement to income support is terminated because of a determination that he is not incapable of work and ^[F54]the decision which embodies that determination is revised or] he subsequently appeals the decision ^[F55]which embodies] that determination and is entitled to income support under regulation 22A of the Income Support Regulations, the decision to terminate entitlement may be revised.]

^[F56(7CC)] Where—

- (a) a person's entitlement to income support is terminated because of a determination that the person is not incapable of work;
- (b) the person subsequently claims and is awarded jobseeker's allowance; and
- (c) the decision which embodies the determination that the person is not incapable of work is revised or successfully appealed,

the Secretary of State may revise the decisions to terminate income support entitlement and to award jobseeker's allowance.]

[^{F57}(7CD) A decision of the Secretary of State under section 10 of the Act made in consequence of a determination under regulation 6(2) of the Income Support Work-Related Activity Regulations that a claimant has failed to satisfy a requirement of regulation 2 of those Regulations (requirement to undertake work-related activity) may be revised at any time if it contained an error to which the claimant did not materially contribute.]

[^{F58}(7D) Where—

- (a) a person elects for an increase of—
 - (i) a Category A or Category B retirement pension in accordance with paragraph A1 or 3C of Schedule 5 to the Contributions and Benefits Act (pension increase or lump sum where entitlement to retirement pension is deferred);
 - (ii) a shared additional pension in accordance with paragraph 1 of Schedule 5A to that Act (pension increase or lump sum where entitlement to shared additional pension is deferred); or, as the case may be,
 - (iii) graduated retirement benefit in accordance with paragraph 12 or 17 of Schedule 1 to the Graduated Retirement Benefit Regulations (further provisions replacing section 36(4) of the National Insurance Act 1965: increases of graduated retirement benefit and lump sums);
- (b) the Secretary of State decides that the person or his partner is entitled to state pension credit and takes into account the increase of pension or benefit in making or superseding that decision; and
- (c) the person's election for an increase is subsequently changed in favour of a lump sum in accordance with regulation 5 of the Deferral of Retirement Pensions etc. Regulations or, as the case may be, paragraph 20D of Schedule 1 to the Graduated Retirement Benefit Regulations,

the Secretary of State may revise the state pension credit decision.

(7E) Where—

- (a) a person is awarded a Category A or Category B retirement pension, shared additional pension or, as the case may be, graduated retirement benefit;
- (b) an election is made, or treated as made, in respect of the award in accordance with paragraph A1 or 3C of Schedule 5 or paragraph 1 of Schedule 5A to the Contributions and Benefits Act or, as the case may be, in accordance with paragraph 12 or 17 of Schedule 1 to the Graduated Retirement Benefit Regulations; and
- (c) the election is subsequently changed in accordance with regulation 5 of the Deferral of Retirement Pensions etc. Regulations or, as the case may be, paragraph 20D of Schedule 1 to the Graduated Retirement Benefit Regulations,

the Secretary of State may revise the award.]

[^{F59}(7EA) The Secretary of State may revise a decision made under regulation 18(1) that a person ceases to be entitled to a benefit specified in paragraph (7EB).

(7EB) Those benefits are—

- (a) a Category A or Category B retirement pension;
- (b) a shared additional pension;
- (c) graduated retirement benefit.]

[^{F60}(7F) A decision under regulation 17(1)(d) of the Income Support Regulations that a person is no longer entitled to a disability premium because of a determination that he is not incapable of work may be revised where the decision which embodies that determination is revised or his appeal against the decision is successful.]

Status: Point in time view as at 30/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

(8) A decision of the Secretary of State [^{F61}or the Board or an officer of the Board] which is specified in Schedule 2 to the Act or is prescribed in regulation 27 (decisions against which no appeal lies) may be revised at any time.

[^{F62}(8A)] ^{F63}

[^{F64}(8B) Where—

- (a) a restriction is imposed on a person under section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions) as result of the person—
 - (i) being convicted of an offence by a court; or
 - (ii) agreeing to pay a penalty as an alternative to prosecution under section 115A of the Administration Act or section 109A of the Social Security Administration (Northern Ireland) Act 1992, and
- (b) that conviction is quashed or set aside by that or any other court, or the person withdraws his agreement to pay a penalty,

a decision of the Secretary of State made under section 8(1)(a) or made under section 10 in accordance with regulation 6(2)(j) or (k) may be revised at any time.]

[^{F65}(8C) A decision made under section 8 or 10 (“the original decision”) may be revised at any time—

- (a) where, on or after the date of the original decision—
 - (i) a late paid contribution is treated as paid under regulation 5 of the Social Security (Crediting and Treatment of Contributions and National Insurance Numbers) Regulations 2001 (treatment of late paid contributions where no consent, connivance or negligence by the primary contributor) on a date which falls on or before the date on which the original decision was made;
 - (ii) a direction is given under regulation 6 of those Regulations (treatment of contributions paid late through ignorance or error) that a late contribution shall be treated as paid on a date which falls on or before the date on which the original decision was made; or
 - (iii) an unpaid contribution is treated as paid under regulation 60 of the Social Security (Contributions) Regulations 2001 (treatment of unpaid contributions where no consent, connivance or negligence by the primary contributor) on a date which falls on or before the date on which the original decision was made; and
- (b) where any of paragraphs (i), (ii) or (iii) apply, either an award of benefit would have been made or the amount of benefit awarded would have been different.]

[^{F66}(8D) A decision made under section 8 or 10 may be revised at any time where, by virtue of regulation 6C (treatment of Class 3 contributions paid under section 13A of the Act) of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001, a contribution is treated as paid on a date which falls on or before the date on which the decision was made.]

[^{F67}(9) Paragraph (1) shall not apply in respect of—

- (a) a relevant change of circumstances which occurred since the decision [^{F68}had effect][^{F69}or, in the case of an advance award under regulation 13, 13A or 13C of the Claims and Payments Regulations, since the decision was made,] or where the Secretary of State has evidence or information which indicates that a relevant change of circumstances will occur; ^{F70} ...
- (b) a decision which relates to an attendance allowance or a disability living allowance where the person is terminally ill, within the meaning of section 66(2)(a) of the Contributions

and Benefit Act, unless an application for revision which contains an express statement that the person is terminally ill is made either by—

- (i) the person himself; or
- (ii) any other person purporting to act on his behalf whether or not that other person is acting with his knowledge or authority,

but where such an application is received a decision may be so revised notwithstanding that no claim under section 66(1) or, as the case may be, 72(5) or 73(12) of that Act has been made;]^{F71}nor

- (c) a decision which relates to an employment and support allowance where the claimant is terminally ill, within the meaning of regulation 2(1) of the Employment and Support Allowance Regulations unless the claimant makes an application which contains an express statement that he is terminally ill and where such an application is made, the decision may be revised.]

(10) The Secretary of State [^{F72}or the Board] may treat an application for a supersession as an application for a revision.

(11) In this regulation and regulation 7, “appropriate office” means

- (a) the office of the [^{F73}Department for Work and Pensions] the address of which is indicated on the notification of the original decision; or
- (b) in the case of a person who has claimed jobseeker’s allowance, the office specified by the Secretary of State in accordance with regulation 23 of the Jobseeker’s Allowance Regulations]^{F74}; or
- (c) in the case of a contributions decision which falls within Part II of Schedule 3 to the Act , any National Insurance Contributions office of the Board or any office of the [^{F75}Department for Work and Pensions] ; or
- (d) in the case of a decision made under the Pension Schemes Act 1993 by virtue of section 170(2) of that Act, any National Insurance Contributions office of the Board]^{F76}; or
- (e) in the case of a person who has claimed working families' tax credit or disabled person’s tax credit, a Tax Credits Office, the address of which is indicated on the notification of the original decision]; [^{F77}or]
- ^{F78}(f) in the case of a person who is, or would be, required to take part in a work-focused interview, an office of the Department for Work and Pensions which is designated by the Secretary of State as a Jobcentre Plus Office or an office of a designated authority which displays the ONE logo.]

Textual Amendments

- F3** Words in reg. 3(1)(2) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **6(2)**
- F4** Words in reg. 3(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **6(3)**
- F5** Reg. 3(1)(a)(b) substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#), regs. 1(1), **3(a)**
- F6** Words in reg. 3(1)(b) inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(2)**
- F7** Words in reg. 3(1)(2) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **6(3)**

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Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- F8** Words in reg. 3(4) substituted (5.7.1999) by The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (Commencement No. 2 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1662), art. 1, **3(3)(a)**
- F9** Reg. 3(4A) inserted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **3(b)**
- F10** Words in reg. 3(4A) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 98(a)**
- F11** Words in reg. 3(5) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **6(4)(a)**
- F12** Words in reg. 3(5)(a) inserted (1.10.2007) by The Social Security (National Insurance Credits) Amendment Regulations 2007 (S.I. 2007/2582), regs. 1, **3(2)**
- F13** Reg. 3(5)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **6(4)(b)**
- F14** Words in reg. 3(5)(b) substituted (24.9.2007) by Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **3(2)**
- F15** Reg. 3(5)(c) inserted (5.7.1999) by The Social Security and Child Support (Decisions and Appeals) Amendment (No. 2) Regulations 1999 (S.I. 1999/1623), regs. 1(1), **2(b)**
- F16** Words in reg. 3(5)(c) inserted (24.9.2007) by Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **3(3)**
- F17** Words in reg. 3(5)(c) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(2)(a)(i)**
- F18** Words in reg. 3(5)(c) substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(2)(a)(ii)**
- F19** Reg. 3(5)(d) added (24.9.2007) by Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **3(4)**
- F20** Words in reg. 3(5)(d) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(2)(b)(i)**
- F21** Words in reg. 3(5)(d) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(2)(b)(ii)**
- F22** Words in reg. 3(5)(d) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(2)(b)(iii)**
- F23** Words in reg. 3(5) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **6(4)(c)**
- F24** Words in reg. 3(5ZA)-(5ZC) inserted (1.10.2007) by The Social Security (National Insurance Credits) Amendment Regulations 2007 (S.I. 2007/2582), regs. 1, **3(3)**
- F25** Word in reg. 3(5ZB)(f) omitted (27.7.2008) by virtue of Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(3)(a)**
- F26** Reg. 3(5ZB)(h) and word added (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(3)(b)**
- F27** Reg. 3(5A) inserted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **3(c)**
- F28** Words in reg. 3(5A)(b) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 98(b)**
- F29** Reg. 3(5B) inserted (24.9.2007) by Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **3(5)**
- F30** Reg. 3(5C)(5D) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(4)**
- F31** Reg. 3(5D) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **12(a)**
- F32** Reg. 3(5E)-(5F) inserted (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **7(2)**
- F33** Words in reg. 3(5F)(a) omitted (1.5.2012) by virtue of The Employment and Support Allowance (Amendment of Linking Rules) Regulations 2012 (S.I. 2012/919), regs. 1(2), **2**

- F34** Reg. 3(5G)(5H) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **12(b)**
- F35** Reg. 3(5I) inserted (1.5.2012) by The Employment and Support Allowance (Duration of Contributory Allowance) (Consequential Amendments) Regulations 2012 (S.I. 2012/913), regs. 1(2), **5**
- F36** Reg. 3(5J) inserted (30.3.2015) (E+W+S) by The Jobseeker's Allowance (Extended Period of Sickness) Amendment Regulations 2015 (S.I. 2015/339), regs. 1, **7(2)**
- F37** Reg. 3(6) substituted (22.10.2012) by The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(2)**
- F38** Reg. 3(6A) inserted (3.4.2000) by The Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897), reg. 1, **Sch. 6 para. 3(a)** (with reg. 2(5))
- F39** Words in reg. 3(6A) inserted (12.4.2004) by The Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 (S.I. 2003/1886), regs. 1, **15(3)**
- F40** Reg. 3(6B) inserted (5.11.2012) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2012 (S.I. 2012/2575), regs. 1(2), **4(2)**
- F41** Reg. 3(7) substituted (2.4.2002) by Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **4(2)**
- F42** Reg. 3(7ZA) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(2)(a)**
- F43** Words in reg. 3(7ZA)(a) substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(5)(a)**
- F44** Words in reg. 3(7ZA)(a) inserted (13.7.2009) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2009 (S.I. 2009/1490), regs. 1, **3(2)(b)(i)**
- F45** Words in reg. 3(7ZA)(b) inserted (13.7.2009) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2009 (S.I. 2009/1490), regs. 1, **3(2)(b)(ii)**
- F46** Words in reg. 3(7ZA)(b) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(5)(b)**
- F47** Words in reg. 3(7ZA)(c)(i) inserted (13.7.2009) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2009 (S.I. 2009/1490), regs. 1, **3(2)(b)(iii)**
- F48** Words in reg. 3(7ZA)(c)(i) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(5)(c)**
- F49** Words in reg. 3(7ZA)(d)(ii) inserted (13.7.2009) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2009 (S.I. 2009/1490), regs. 1, **3(2)(b)(iv)**
- F50** Words in reg. 3(7ZA)(d)(ii) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(5)(d)**
- F51** Reg. 3(7A) inserted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **3(d)**
- F52** Reg. 3(7B)(7C) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(2)(b)**
- F53** Words in reg. 3(7B) added (10.4.2006) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(2)(a)**
- F54** Words in reg. 3(7C) inserted (10.4.2006) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(2)(b)(i)**
- F55** Words in reg. 3(7C) substituted (10.4.2006) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(2)(b)(ii)**
- F56** Reg. 3(7CC) inserted (13.7.2009) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2009 (S.I. 2009/1490), regs. 1, **3(2)(c)**
- F57** Reg. 3(7CD) inserted (28.4.2014) by The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014 (S.I. 2014/1097), regs. 1(1), **12(3)**
- F58** Reg. 3(7D)(7E) inserted (6.4.2006) by Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005 (S.I. 2005/2677), regs. 1(1), **9(3)**
- F59** Reg. 3(7EA)(7EB) inserted (17.4.2012) by The Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations 2012 (S.I. 2012/824), regs. 1, **4(2)**

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- F60** Reg. 3(7F) inserted (10.4.2006) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(2)(c)**
- F61** Words in reg. 3(7)-(9) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **6(2)**
- F62** Reg. 3(8A) inserted (15.10.2001) by The Social Security (Breach of Community Order) (Consequential Amendments) Regulations 2001 (S.I. 2001/1711), regs. 1, **2(2)(b)**
- F63** Reg. 3(8A) omitted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010 (S.I. 2010/424), **reg. 4(3)**
- F64** Reg. 3(8B) substituted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **3(2)**
- F65** Reg. 3(8C) inserted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(2)**
- F66** Reg. 3(8D) inserted (6.4.2009) by Social Security (Additional Class 3 National Insurance Contributions) Amendment Regulations 2009 (S.I. 2009/659), regs. 1, **2(2)**
- F67** Reg. 3(9) substituted (18.10.1999) by The Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker's Allowance (Amendment) Regulations 1999 (S.I. 1999/2677), regs. 1, **6(1)(b)**
- F68** Words in reg. 3(9)(a) substituted (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(2)** (with reg. 6)
- F69** Words in reg. 3(9)(a) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(2)(c)**
- F70** Word in reg. 3(9)(a) omitted (27.7.2008) by virtue of Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(6)(a)**
- F71** Reg. 3(9)(c) and word inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **31(6)(b)**
- F72** Words in reg. 3(10) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **6(5)**
- F73** Words in reg. 3(11)(a) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **3(e)(i)**
- F74** Reg. 3(11)(c)(d) inserted (5.7.1999) by The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (Commencement No. 2 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1662), art. 1, **3(3)(b)**
- F75** Words in reg. 3(11)(c) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **3(e)(ii)**
- F76** Reg. 3(11)(e) and word added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **6(6)**
- F77** Reg. 3(11)(f) and word added (3.4.2000) by The Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897), reg. 1, **Sch. 6 para. 3(b)** (with reg. 2(5))
- F78** Reg. 3(11)(f) substituted (30.9.2002) by Social Security (Jobcentre Plus Interviews) Regulations 2002 (S.I. 2002/1703), reg. 1, **Sch. 2 para. 6(b)**

Marginal Citations

- M1** See in particular paragraphs 8 and 9 of Schedule 4 to the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968).
- M2** 1993 c.48; section 170 was substituted by paragraph 131 of Schedule 7 to the Social Security Act 1998.

[^{F79}C] Consideration of revision before appeal

3ZA.—(1) This regulation applies in a case where—

- (a) the Secretary of State gives a person written notice of a decision under section 8 or 10 of the Act (whether as originally made or as revised under section 9 of that Act); and
 - (b) that notice includes a statement to the effect that there is a right of appeal in relation to the decision only if the Secretary of State has considered an application for a revision of the decision.
- (2) In a case to which this regulation applies, a person has a right of appeal under section 12(2) of the Act in relation to the decision only if the Secretary of State has considered on an application whether to revise the decision under section 9 of the Act.
- (3) The notice referred to in paragraph (1) must inform the person—
- (a) of the time limit specified in regulation 3(1) or (3) for making an application for a revision; and
 - (b) that, where the notice does not include a statement of the reasons for the decision (“written reasons”), he may, within one month of the date of notification of the decision, 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 decision, the Secretary of State may treat any purported appeal as an application for a revision under section 9 of the Act.]

Textual Amendments

F79 Reg. 3ZA inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(3)**

[^{F80}Revision of child support decisions

3A.—[^{F81}(1) Subject to paragraph (2), any decision as defined in paragraph (3) may be revised under section 16 of the Child Support Act by the [^{F82}Secretary of State]—

- (a) if [^{F83}the Secretary of State] receives an application for the revision of a decision either—
 - (i) under section 16; or
 - (ii) by way of an application under section 28G,

of the Child Support Act, within one month of the date of notification of the decision or within such longer time as may be allowed under regulation 4;

- (b) if—
 - (i) [^{F83}the Secretary of State] notifies the person who applied for a decision to be revised within the period specified in sub-paragraph (a), that the application is unsuccessful because the [^{F82}Secretary of State] is not in possession of all of the information or evidence needed to make a decision; and
 - (ii) that person reapplies for the decision to be revised within one month of the notification described in head (i) above, or such longer period as the [^{F82}Secretary of State] is satisfied is reasonable in the circumstances of the case, and provides in that application sufficient information or evidence to enable a decision to be made;
- (c) if [^{F83}the Secretary of State] is satisfied that the decision was erroneous due to a misrepresentation of, or failure to disclose, a material fact and that the decision was more

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advantageous to the person who misrepresented or failed to disclose that fact than it would have been but for that error;

- [^{F84}(cc) if an appeal is made under section 20 of the Child Support Act against a decision within the time prescribed [^{F85}by Tribunal Procedure Rules] but the appeal has not been determined;]
 - (d) if [^{F86}the Secretary of State] commences action leading to the revision of the decision within one month of the date of notification of the decision; or
 - (e) if the decision arose from an official error[^{F87}; or
 - (f) if the grounds for revision are that a person with respect to whom a maintenance calculation was made was not, at the time the calculation was made, a parent of a child to whom the calculation relates.]
- (2) Paragraph (1)(a) to (d) shall not apply in respect of a change of circumstances which—
- (a) occurred since the date on which the decision had effect; or
 - (b) according to information or evidence which the [^{F88}Secretary of State] has, is expected to occur.

[^{F89}(3) In paragraphs (1), (2) and (5A) and in regulation 4(3) “decision” means a decision of the [^{F90}Secretary of State] under section [^{F91}11 or 12] of the Child Support Act, or a determination of [^{F92}the First-tier Tribunal] on a referral under section 28D(1)(b) of that Act, or any supersession of a decision under section 17 of that Act, whether as originally made or as revised under section 16 of that Act.]

(4) A decision made under section 12(2) of the Child Support Act may be revised at any time before it is replaced by a decision under section 11 of that Act.

(5) Where the [^{F93}Secretary of State] revises a decision made under section 12(1) of the Child Support Act in accordance with section 16(1B) of that Act, that decision may be revised under section 16 of that Act at any time.

[^{F94}(5A) Where—

- (a) the [^{F95}Secretary of State] makes a decision (“decision A”) and there is an appeal;
- (b) there is a further decision in relation to the appellant (“decision B”) after the appeal but before the appeal results in a decision by [^{F96}the First-tier Tribunal] (“decision C”); and
- (c) the [^{F95} Secretary of State] would have made decision B differently if ^{F97} ... aware of decision C at the time [^{F97}of making] decision B,

decision B may be revised at any time.]

^{F98}(6)

^{F98}(7)]

[^{F99}(8) Subject to paragraph (9), section 16 of the Child Support Act shall apply in relation to any decision of the [^{F100}Secretary of State] not to make a maintenance calculation, as it applies in relation to any decision of the [^{F100}Secretary of State] under sections 11, 12 or 17 of that Act, or the determination of an appeal tribunal on a referral under section 28D(1)(b) of that Act.

(9) Paragraph (8) shall not apply to any decision not to make a maintenance calculation where the [^{F100}Secretary of State] makes a decision under section 12 of the Child Support Act.]]

Textual Amendments

- F80** Reg. 3A inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000](#) (S.I. 2000/3185), [reg. 1\(1\)\(2\)](#), [5](#) (with [reg. 14\(3\)](#)) (see S.I. 2003/192, art. 3, Sch.)
- F81** Reg. 3A omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012](#) (S.I. 2012/2785), [regs. 1\(4\)](#), [6\(3\)](#)
- F82** Words in reg. 3A(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), [art. 1\(2\)](#), [Sch. para. 113\(3\)\(a\)\(i\)](#)
- F83** Words in reg. 3A(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), [art. 1\(2\)](#), [Sch. para. 113\(3\)\(a\)\(ii\)](#)
- F84** Reg. 3A(1)(cc) inserted (30.4.2002 in accordance with reg. 1(2), (3) of the amending S.I.) by [The Child Support \(Miscellaneous Amendment\) Regulations 2000](#) (S.I. 2000/1204), [reg. 1\(2\)](#), (3)(b), 2(02)(a)(i)
- F85** Words in reg. 3A(1)(cc) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008](#) (S.I. 2008/2683), [art. 1](#), [Sch. 1 para. 99\(a\)](#)
- F86** Words in reg. 3A(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), [art. 1\(2\)](#), [Sch. para. 113\(3\)\(a\)\(iii\)](#)
- F87** Reg. 3A(1)(f) and preceding word inserted (30.4.2002 in accordance with reg. 1(2), (3) of the amending S.I.) by [The Child Support \(Miscellaneous Amendment\) Regulations 2000](#) (S.I. 2000/1204), [reg. 1\(2\)](#), (3)(b), 2(02)(a)(ii)
- F88** Words in reg. 3A(2)(b) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), [art. 1\(2\)](#), [Sch. para. 113\(3\)\(b\)](#)
- F89** Reg. 3A(3) substituted (30.4.2002 in accordance with reg. 1(2), (3) of the amending S.I.) by [The Child Support \(Miscellaneous Amendment\) Regulations 2000](#) (S.I. 2000/1204), [reg. 1\(2\)](#), (3)(b), 2(02)(b)
- F90** Words in reg. 3A(3) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), [art. 1\(2\)](#), [Sch. para. 113\(3\)\(b\)](#)
- F91** Words in reg. 3A(3) substituted (27.10.2008) by [Child Support \(Consequential Provisions\) Regulations 2008](#) (S.I. 2008/2543), [regs. 1](#), [4\(3\)\(a\)](#)
- F92** Words in reg. 3A(3) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008](#) (S.I. 2008/2683), [art. 1](#), [Sch. 1 para. 99\(b\)](#)
- F93** Words in reg. 3A(5) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), [art. 1\(2\)](#), [Sch. para. 113\(3\)\(b\)](#)
- F94** Reg. 3A(5A) inserted (30.4.2002 in accordance with reg. 1(2), (3) of the amending S.I.) by [The Child Support \(Miscellaneous Amendment\) Regulations 2000](#) (S.I. 2000/1204), [reg. 1\(2\)](#), (3)(b), 2(02)(c)
- F95** Words in reg. 3A(5A) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), [art. 1\(2\)](#), [Sch. para. 113\(3\)\(c\)\(i\)](#)
- F96** Words in reg. 3A(5A)(b) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008](#) (S.I. 2008/2683), [art. 1](#), [Sch. 1 para. 99\(b\)](#)
- F97** Words in reg. 3A(5A)(c) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), [art. 1\(2\)](#), [Sch. para. 113\(3\)\(c\)\(ii\)](#)
- F98** Reg. 3A(6)(7) omitted (6.4.2009) by virtue of [Child Support \(Miscellaneous Amendments\) Regulations 2009](#) (S.I. 2009/396), [regs. 1](#), [4\(2\)\(c\)](#) (with reg. 7)

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- F99** Reg. 3A(8)(9) added (27.10.2008) by [Child Support \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/2544\)](#), regs. 1(1), **3**
- F100** Words in reg. 3A(8)(9) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(3)(d)**

[^{F101}Consideration of revision before appeal in relation to certain child support decisions

3B.—(1) This regulation applies in a case where—

- (a) the Secretary of State gives a person written notice of a decision; and
- (b) that notice includes a statement to the effect that there is a right of appeal against the decision only if the Secretary of State has considered an application for a revision of the decision.

(2) In a case to which this regulation applies, a person has a right of appeal under section 20 of the Child Support Act 1991 (as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000) against the decision only if the Secretary of State has considered on an application whether to revise the decision under section 16 of that Act.

(3) The notice referred to in paragraph (1) must inform the person of the time limit specified in regulation 3A(1)(a) for making an application for a revision.

(4) Where, as the result of paragraph (2), there is no right of appeal against a decision, the Secretary of State may treat any purported appeal as an application for a revision under section 16 of that Act.

(5) In this regulation “decision” means a decision mentioned in section 20(1)(a) or (b) of the Child Support Act 1991 (as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000).]

Textual Amendments

- F101** [Reg. 3B](#) inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(4)**

Late application for a revision

4.—(1) The time limit for making an application for a revision specified in regulation 3(1) or (3) [^{F102}[^{F103}or 3A(1)(a)]] may be extended where the conditions specified in the following provisions of this regulation are satisfied.

(2) An application for an extension of time shall be made by [^{F104}[^{F105}the relevant person,]] the claimant or a person acting on his behalf.

(3) An application shall—

- (a) contain particulars of the grounds on which the extension of time is sought and shall contain sufficient details of the decision which it is sought to have revised to enable that decision to be identified; and
- (b) be made within 13 months of the date of notification of the decision which it is sought to have revised [^{F106}, but if the applicant has requested a statement of the reasons in accordance with [^{F107}regulation 3ZA(3)(b) or] regulation 28(1)(b) the 13 month period shall be extended by—

- (i) if the statement is provided within one month of the notification, an additional 14 days; or
- (ii) if it is provided after the elapse of a period after the one month ends, the length of that period and an additional 14 days.]
- (4) An application for an extension of time shall not be granted unless the applicant satisfies the Secretary of State^{F108}, the Commission^{F109} or the Board or an officer of the Board] that—
- it is reasonable to grant the application;
 - the application for revision has merit^{F110}, except in a case to which regulation 3ZA or 3B applies]; and
 - special circumstances are relevant to the application and as a result of those special circumstances it was not practicable for the application to be made within the time limit specified in regulation 3 ^{F111}[^{F112}or 3A]].
- (5) In determining whether it is reasonable to grant an application, the Secretary of State^{F108}, the Commission^{F109} or the Board or an officer of the Board] shall have regard to the principle that the greater the amount of time that has elapsed between the expiration of the time specified in regulation 3(1) and (3) ^{F113}[^{F114}and regulation 3A(1)(a)] for applying for a revision and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application is based.
- (6) In determining whether it is reasonable to grant the application for an extension of time^{F115}, except in a case to which regulation 3ZA or 3B applies,] no account shall be taken of the following—
- that the applicant or any person acting for him was unaware of or misunderstood the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by these Regulations); or
 - that ^{F116}the Upper Tribunal] or a court has taken a different view of the law from that previously understood and applied.
- (7) An application under this regulation for an extension of time which has been refused may not be renewed.

Textual Amendments

- F102** Words in reg. 4(1) omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(4)(a)**
- F103** Words in reg. 4(1) inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **6(a)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F104** Words in reg. 4(2) omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(4)(b)**
- F105** Words in reg. 4(2) inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **6(b)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F106** Words in reg. 4(3)(b) added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(3)**
- F107** Words in reg. 4(3)(b) inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(5)(a)**

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Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- F108** Words in reg. 4 inserted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(3)** (with reg. 7)
- F109** Words in reg. 4(4)(5) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **7**
- F110** Words in reg. 4(4)(b) inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(5)(b)**
- F111** Words in reg. 4(4)(c) omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(4)(c)**
- F112** Words in reg. 4(4)(c) inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **6(c)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F113** Words in reg. 4(5) omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(4)(d)**
- F114** Words in reg. 4(5) added (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **6(d)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F115** Words in reg. 4(6) inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(5)(c)**
- F116** Words in reg. 4(6)(b) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 100**

Date from which a decision revised under section 9 takes effect

5.—^[F117(1)] Where, on a revision under section 9, the Secretary of State ^[F118]or the Board or an officer of the Board] decides that the date from which the decision under section 8 or 10 (“the original decision”) took effect was erroneous, the decision under section 9 shall take effect on the date from which the original decision would have taken effect had the error not been made.

^[F119(2)] Where—

- (a) a person attains pensionable age, claims a retirement pension after the prescribed time for claiming and the Secretary of State decides (“the original decision”) that he is not entitled because—
 - (i) in the case of a Category A retirement pension, the person has not satisfied the contribution conditions; or
 - (ii) in the case of a Category B retirement pension, the person’s spouse ^[F120]or civil partner] has not satisfied the contribution conditions;
- (b) in accordance with regulation 50A of the Social Security (Contributions) Regulations 2001 (Class 3 contributions: tax years 1996-97 to 2001-02) the Board subsequently accepts Class 3 contributions paid after the due date by the claimant or, as the case may be, the spouse ^[F121]or civil partner];
- (c) in accordance with regulation 6A of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 the contributions are treated as paid on a date earlier than the date on which they were paid; and
- (d) the Secretary of State revises the original decision in accordance with regulation 11A(4)
 - (a),

the revised decision shall take effect from—

- (i) 1st October 1998; or
- (ii) the date on which the claimant attained pensionable age in the case of a Category A pension, or, in the case of a Category B pension, the date on which the claimant’s spouse [^{F122}or civil partner] attained pensionable age, whichever is later.]

Textual Amendments

F117 Reg. 5(1): reg. 5 renumbered as reg. 5(1) (27.9.2004) by [Social Security \(Retirement Pensions\) Amendment Regulations 2004 \(S.I. 2004/2283\)](#), regs. 1, **3**

F118 Words in reg. 5 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **8**

F119 Reg. 5(2) added (27.9.2004) by [Social Security \(Retirement Pensions\) Amendment Regulations 2004 \(S.I. 2004/2283\)](#), regs. 1, **3**

F120 Words in reg. 5(2)(a)(ii) inserted (5.12.2005) by [Social Security \(Civil Partnership\) \(Consequential Amendments\) Regulations 2005 \(S.I. 2005/2878\)](#), regs. 1, **8(3)**

F121 Words in reg. 5(2)(b) inserted (5.12.2005) by [Social Security \(Civil Partnership\) \(Consequential Amendments\) Regulations 2005 \(S.I. 2005/2878\)](#), regs. 1, **8(3)**

F122 Words in reg. 5(2)(ii) inserted (5.12.2005) by [Social Security \(Civil Partnership\) \(Consequential Amendments\) Regulations 2005 \(S.I. 2005/2878\)](#), regs. 1, **8(3)**

[^{F123}Date from which a decision revised under section 16 of the Child Support Act takes effect

5A.—[^{F124}(1) Where the date from which a decision took effect is found to be erroneous on a revision under section 16 of the Child Support Act, the revision shall take effect from the date on which the decision revised would have taken effect had the error not been made.

^{F125}(2)

^{F125}(3)]]

Textual Amendments

F123 Reg. 5A inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **7** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)

F124 Reg. 5A omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**

F125 Reg. 5A(2) (3) omitted (12.7.2006) by virtue of [Child Support \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/1520\)](#), regs. 1(1), **4(2)**

**CHAPTER II
SUPERSESIONS**

Supersession of decisions

6.—(1) Subject to the following provisions of this regulation, for the purposes of section 10, the cases and circumstances in which a decision may be superseded under that section are set out in paragraphs (2) to (4).

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- (2) A decision under section 10 may be made on the Secretary of State's [^{F126}or the Board's] own initiative or on an application made for the purpose on the basis that the decision to be superseded—
- (a) is one in respect of which—
 - (i) there has been a relevant change of circumstances since the decision [^{F127}had effect][^{F128}or, in the case of an advance award under regulation 13, 13A or 13C of the Claims and Payments Regulations [^{F129}or regulation 146 of the Employment and Support Allowance Regulations], since the decision was made]; or
 - (ii) it is anticipated that a relevant change of circumstances will occur;
 - (b) is a decision of the Secretary of State [^{F130}or the Board or an officer of the Board] other than a decision to which sub-paragraph (d) refers and—
 - (i) the decision was erroneous in point of law, or it was made in ignorance of, or was based upon a mistake as to, some material fact; and
 - (ii) an application for a supersession was received by the Secretary of State [^{F131}or the Board], or the decision by the Secretary of State [^{F131}or the Board] to act on his [^{F132}or their] own initiative was taken, more than one month after the date of notification of the decision which is to be superseded or after the expiry of such longer period of time as may have been allowed under regulation 4;
 - [^{F133}(c) is a decision of [^{F134}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or of a Commissioner]—
 - (i) that was made in ignorance of, or was based upon a mistake as to, some material fact; or
 - (ii) that was made in accordance with section 26(4)(b), in a case where section 26(5) applies;]
 - (d) is a decision which is specified in Schedule 2 to the Act or is prescribed in regulation 27 (decisions against which no appeal lies); ^{F135} ...
 - [^{F136}(e) is a decision where—
 - (i) the claimant has been awarded entitlement to a relevant benefit; and
 - (ii) [^{F137}subsequent to the first day of the period to which that entitlement relates], the claimant or a member of his family becomes entitled to ^{F138} ... another relevant benefit or an increase in the rate of another relevant benefit;]
 - [^{F139}(ee) is an original award within the meaning of regulation 3(7ZA) and sub-paragraphs (a) to (c) and (d)(ii) of regulation 3(7ZA) apply but not sub-paragraph (d)(i);]
 - [^{F140}(f) is a decision that a jobseeker's allowance is payable at the full rate to which the claimant would be entitled in the absence of any reduction where the award is reduced under section 19 of the Jobseekers Act;
 - (fa) is a decision that a jobseeker's allowance is payable at the full rate to which the claimant would be entitled in the absence of any reduction where the award is reduced under section 19A of the Jobseekers Act;]
 - [^{F141}(g) is an incapacity benefit decision where there has been an incapacity determination (whether before or after the decision) and where, since the decision was made, the Secretary of State has received medical evidence following an examination in accordance with regulation 8 of the Social Security (Incapacity for Work) (General) Regulations 1995 from a [^{F142}health care professional] referred to in paragraph (1) of that regulation;]^{F143}[^{F144} ...
 - (h) is one in respect of a person who—

- (i) is subsequently the subject of a separate decision or determination as to whether or not he took part in a work-focused interview;
 - (ii) had been held not to have taken part in a work-focused interview but who had, subsequent to the decision to be superseded, attained [^{F145}pensionable age] or ceased to reside in an area in which there is a requirement to take part in a work-focused interview [^{F146}or, in the case of a partner who was required to take part in a work-focused interview [^{F147}in accordance with regulations made under section 2AA of the Administration Act, ceased to be a partner for the purposes of those regulations or is no longer a partner to whom the requirement to take part in a work-focused interview under those regulations applies [^{F148}(and in this head “pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995, save that a man born before 6th April 1955 is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age)]]].]
- ^{F149}(i)
- ^{F150}(j) is a decision of the Secretary of State that a sanctionable benefit is payable to a claimant where that benefit ceases to be payable or falls to be reduced under section [^{F151}6B,] 7 or 9 of the Social Security Fraud Act 2001 and for this purpose “sanctionable benefit” has the [^{F152}meaning given in section 6A] of that Act;
- (k) is a decision of the Secretary of State that a joint-claim jobseeker’s allowance is payable where that allowance ceases to be payable or falls to be reduced under section 8 of the Social Security Fraud Act 2001.]
- ^{F153}(l) is a relevant decision for the purposes of section 6 of the State Pension Credit Act and—
- (i) on making that decision, the Secretary of State specified a period as the assessed income period; and
 - (ii) that period has ended or is about to end.]
- ^{F154}(m) is a relevant decision for the purposes of section 6 of the State Pension Credit Act in a case where—
- (i) the information and evidence required under regulation 32(6)(a) of the Claims and Payments Regulations has not been provided in accordance with the time limits set out in regulation 32(6)(c) of those Regulations;
 - (ii) the Secretary of State was prevented from specifying a new assessed income period under regulation 10(1) of the State Pension Credit Regulations; and
 - (iii) the information and evidence required under regulation 32(6)(a) of the Claims and Payments Regulations has since been provided.]
- ^{F155}(n) is a decision by [^{F156}an appeal tribunal or][^{F157}the First-tier Tribunal] confirming a decision by the Secretary of State terminating a claimant’s entitlement to income support because he no longer falls within the category of person specified in paragraph 7 of Schedule 1B to the Income Support Regulations (persons incapable of work) and a further [^{F158}decision of an appeal tribunal or the First-tier Tribunal] subsequently determines that he is incapable of work.]
- ^{F159}(o) is a decision that a person is entitled to state pension credit and—
- (i) the person or his partner makes, or is treated as having made, an election for a lump sum in accordance with—
 - (aa) paragraph A1 or 3C of Schedule 5 to the Contributions and Benefits Act;
 - (bb) paragraph 1 of Schedule 5A to that Act; or, as the case may be,

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- (cc) paragraph 12 or 17 of Schedule 1 to the Graduated Retirement Benefit Regulations;
- or
- (ii) such a lump sum is repaid in consequence of an application to change an election for a lump sum in accordance with regulation 5 of the Deferral of Retirement Pensions etc. Regulations or, as the case may be, paragraph 20D of Schedule 1 to the Graduated Retirement Benefit Regulations.]
- [^{F160}(p) is a decision awarding employment and support allowance where there has been a failure determination;
- (q) is a decision made in consequence of a failure determination where the reduction ceases to have effect under of regulation 64 of the Employment and Support Allowance Regulations] ;
- [^{F161}(r) is an employment and support allowance decision where, since the decision was made, the Secretary of State has—
- (i) received medical evidence from a health care professional approved by the Secretary of State, or
- (ii) made a determination that the claimant is to be treated as having limited capability for work in accordance with regulation 20, 25, 26 or 33(2) of the Employment and Support Allowance Regulations.]
- [^{F162}(s) is a decision where on or after the date on which the decision was made, a late or unpaid contribution is treated as paid under—
- (i) regulation 5 of the Social Security (Crediting and Treatment of Contributions and National Insurance Numbers) Regulations 2001 (treatment of late paid contributions where no consent, connivance or negligence by the primary contributor) on a date which falls on or before the date on which the original decision was made;
- (ii) regulation 6 of those Regulations (treatment of contributions paid late through ignorance or error) on a date which falls on or before the date on which the original decision was made; or
- (iii) regulation 60 of the Social Security (Contributions) Regulations 2001 (treatment of unpaid contributions where no consent, connivance or negligence by the primary contributor) on a date which falls on or before the date on which the original decision was made.]
- [^{F163}(t) is a decision awarding income support where there has been a determination by the Secretary of State under regulation 6(2) of the Income Support Work-Related Activity Regulations that a person has failed to undertake work-related activity;
- (u) is a decision made in consequence of a determination by the Secretary of State that a person has failed to undertake work-related activity where a reduction under regulation 8(1) of the Income Support Work-Related Activity Regulations ceases to have effect by virtue of regulation 9 of those Regulations.]
- (3) A decision which may be revised under regulation 3 may not be superseded under this regulation except where—
- (a) circumstances arise in which the Secretary of State [^{F164}or the Board or an officer of the Board] may revise that decision under regulation 3; and
- (b) further circumstances arise in relation to that decision which are not specified in regulation 3 but are specified in paragraph (2) or (4).
- (4) Where the Secretary of State requires [^{F165}or the Board require] further evidence or information from the applicant in order to consider all the issues raised by an application under

paragraph (2) (“the original application”), he ^{F166}or they] shall notify the applicant that further evidence or information is required and the decision may be superseded—

- (a) where the applicant provides further relevant evidence or information within one month of the date of notification or such longer period of time as the Secretary of State ^{F167}or the Board] may allow; or
- (b) where the applicant does not provide such evidence or information within the time allowed under sub-paragraph (a), on the basis of the original application.

(5) The Secretary of State ^{F168}or the Board] may treat an application for a revision or a notification of a change of circumstances as an application for a supersession.

(6) The following events are not relevant changes of circumstances for the purposes of paragraph (2)—

- (a) the repayment of a loan to which regulation 66A of the Income Support Regulations ^{M3}^{F169}, regulation 137 of the Employment and Support Allowance Regulations] or regulation 136 of the Jobseeker’s Allowance Regulations applies;

^{F170}(b)

^{F171}(c) the fact that a person has become terminally ill, within the meaning of section 66(2)(a) of the Contributions and Benefits Act, unless an application for supersession which contains an express statement that the person is terminally ill is made either by—

- (i) the person himself; or
- (ii) any other person purporting to act on his behalf whether or not that other person is acting with his knowledge or authority;

and where such an application is received a decision may be so superseded notwithstanding that no claim under section 66(1) or, as the case may be, 72(5) or 73(12) of that Act has been made.]

(7) In paragraph (6)(b), “nursing home” and “residential care home” have the same meanings as they have in regulation 19 of the Income Support Regulations.

^{F172}(8) In relation to the assessed income period, the only change of circumstance relevant for the purposes of paragraph (2)(a) is that the assessed income period ends in accordance with section 9(4) of the State Pension Credit Act or the regulations made under section 9(5) of that Act.]

Textual Amendments

F126 Words in reg. 6(2) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **9(2)(a)**

F127 Words in reg. 6(2)(a)(i) substituted (5.5.2003) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1050\)](#), regs. 1(1)(a), **3(3)(a)** (with reg. 6)

F128 Words in reg. 6(2)(a)(i) inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(4)(a)**

F129 Words in reg. 6(2)(a)(i) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **32(2)(a)**

F130 Words in reg. 6(2)(b) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **9(2)(b)(i)**

F131 Words in reg. 6(2)(b)(ii) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **9(2)(b)(ii)**

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Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- F132** Words in reg. 6(2)(b)(ii) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(2)(b)(iii)**
- F133** Reg. 6(2)(c) substituted (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(3)(b)** (with reg. 6)
- F134** Words in reg. 6(2)(c) substituted (14.5.2012 (retrospective to 1.11.2008 in accordance with reg. 1(2))) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(2)(a)**
- F135** Word in reg. 6(2)(d) omitted (5.5.2003) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(3)(c)** (with reg. 6)
- F136** Reg. 6(2)(e) substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **16**
- F137** Words in reg. 6(2)(e)(ii) substituted (2.4.2002) by Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **4(3)(a)**
- F138** Words in reg. 6(2)(e)(ii) omitted (2.4.2002) by virtue of Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **4(3)(b)**
- F139** Reg. 6(2)(ee) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(4)(b)**
- F140** Reg. 6(2)(f)(fa) substituted (22.10.2012) by The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(3)**
- F141** Reg. 6(2)(g) inserted (5.7.1999) by The Social Security and Child Support (Decisions and Appeals) Amendment (No. 2) Regulations 1999 (S.I. 1999/1623), regs. 1(1), **3**
- F142** Words in reg. 6(2)(g) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(3)(a)**
- F143** Word in reg. 6(2)(g) omitted (5.5.2003) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(3)(d)** (with reg. 6)
- F144** Reg. 6(2)(h) and word added (3.4.2000) by The Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897), reg. 1, **Sch. 6 para. 4** (with reg. 2(5))
- F145** Words in reg. 6(2)(h)(ii) substituted (6.4.2010) by The Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) Amendment Regulations 2010 (S.I. 2010/563), regs. 1, **2(a)**
- F146** Words in reg. 6(2)(h)(ii) added (12.4.2004) by The Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 (S.I. 2003/1886), regs. 1, **15(4)**
- F147** Words in reg. 6(2)(h)(ii) substituted (26.4.2004) by Social Security (Working Neighbourhoods) Regulations 2004 (S.I. 2004/959), regs. 1, **24(3)**
- F148** Words in reg. 6(2)(h)(ii) inserted (6.4.2010) by The Social Security (Work-focused Interviews etc.) (Equalisation of State Pension Age) Amendment Regulations 2010 (S.I. 2010/563), regs. 1, **2(b)**
- F149** Reg. 6(2)(i) omitted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010 (S.I. 2010/424), **reg. 4(4)**
- F150** Reg. 6(2)(j)(k) added (1.4.2002) by Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **8(b)**
- F151** Word in reg. 6(2)(j) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **3(3)(a)**
- F152** Words in reg. 6(2)(j) substituted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **3(3)(b)**
- F153** Reg. 6(2)(l) added (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **17(a)**
- F154** Reg. 6(2)(m) added (6.10.2003) by State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **5(2)**
- F155** Reg. 6(2)(n) added (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(4)(c)**

- F156** Words in reg. 6(2)(n) inserted (14.5.2012 (retrospective to 1.11.2008 in accordance with reg. 1(2))) by , regs. 1The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), **4(2)(b)(i)**
- F157** Words in reg. 6(2)(n) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 101(b)(i)**
- F158** Words in reg. 6(2)(n) substituted (14.5.2012 retrospective to 1.11.2008 in accordance with reg. 1(2))) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(2)(b)(ii)**
- F159** Reg. 6(2)(o) inserted (6.4.2006) by Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005 (S.I. 2005/2677), regs. 1(1), **9(4)**
- F160** Reg. 6(2)(p)-(q) added (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **32(2)(c)**
- F161** Reg. 6(2)(r) substituted (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **7(3)**
- F162** Reg. 6(2)(s) inserted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(3)(b)**
- F163** Reg. 6(2)(t)(u) inserted (28.4.2014) by The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014 (S.I. 2014/1097), regs. 1(1), **12(4)**
- F164** Words in reg. 6(3) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(3)**
- F165** Words in reg. 6(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(4)(a)**
- F166** Words in reg. 6(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(4)(b)**
- F167** Words in reg. 6(4)(a) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(4)(c)**
- F168** Words in reg. 6(5) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **9(5)**
- F169** Words in reg. 6(6)(a) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **32(3)**
- F170** Reg. 6(6)(b) omitted (18.3.2005) by virtue of The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(4)(d)**
- F171** Reg. 6(6)(c) added (18.10.1999) by The Social Security and Child Support (Decisions and Appeals), Vaccine Damage Payments and Jobseeker's Allowance (Amendment) Regulations 1999 (S.I. 1999/2677), regs. 1, **7(b)**
- F172** Reg. 6(8) added (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **17(b)**

Modifications etc. (not altering text)

- C1** Reg. 6(2) modified (22.11.2010) by The Jobseekers Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010 (S.I. 2010/1222), regs. 1(2), **20(b)**

Marginal Citations

- M3** Regulation 66A was inserted by S.I. 1990/1549; relevant amending instruments are S.I. 1991/236, S.I. 1991/1559 and S.I. 1996/462.

^{F173}Supersession of child support decisions

6A.—^{F175}(1) This regulation and regulation 6B set out the circumstances in which a decision may be made by the [^{F178}Secretary of State] under section 17 of the Child Support Act (decisions superseding earlier decisions).

Status: Point in time view as at 30/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- (2) A decision may be superseded by a decision of the [^{F179}Secretary of State], on an application or acting under [^{F179}the Secretary of State's] own initiative, where—
- (a) there has been a relevant change of circumstances since the decision had effect or it is expected that a relevant change of circumstances will occur;
 - (b) the decision was made in ignorance of, or was based on a mistake as to, some material fact; or
 - (c) the decision was wrong in law (unless it was a decision made on appeal).
- (3) The circumstances in which a decision may be superseded include where the relevant change of circumstances causes the maintenance calculation to cease by virtue of paragraph 16 of Schedule 1 to the Child Support Act or where the [^{F180}Secretary of State] no longer has jurisdiction by virtue of section 44 of that Act.
- (4) A decision may be superseded by a decision of the [^{F180}Secretary of State] where the [^{F180}Secretary of State] receives an application for a variation of the decision under section 28G of the Child Support Act.
- (5) A decision may not be superseded in circumstances where it may be revised.
- (6) A decision to refuse an application for a maintenance calculation may not be superseded.]]

Textual Amendments

- F173** Reg. 6A - Reg. 6B inserted (3.3.2003 for specified purposes being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, art. 3) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **8** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F174** Reg. 6A omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**
- F175** Reg. 6A substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(4)** (with reg. 7)
- F176** Reg. 6A(4A) inserted (5.5.2003 and for specified purposes, being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, art. 3, 5.5.2003 in so far as not already in force) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1050\)](#), regs. 1(1)(b), **3(4)** (with reg. 6)
- F177** Words in reg. 6A(4A) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **4(3)**
- F178** Words in reg. 6A(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(4)(a)**
- F179** Words in reg. 6A(2) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(4)(b)**
- F180** Words in reg. 6A(3)(4) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(4)(c)**

Circumstances in which a child support decision may not be superseded

6B.—^{F181}(1) Except as provided in paragraph (4), and subject to paragraph (3), a decision of the [^{F182}Secretary of State], [^{F183}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or a

Child Support Commissioner], on an application made under regulation [F184 6A(2)(a)], shall not be superseded where the difference between—

- (a) the non-resident parent’s net income figure fixed for the purposes of the maintenance calculation in force in accordance with Part I of Schedule 1 to the Child Support Act; and
- (b) the non-resident parent’s net income figure which would be fixed in accordance with a superseding decision,

is less than 5% of the figure in sub-paragraph (a).

(2) In paragraph (1) “superseding decision” means a decision which would supersede the decision subject to the application made under regulation [F184 6A(2)(a)] but for the application of this regulation.

[F185(3) Where the application for a supersession is made on more than one ground, if those grounds which do not relate to the net income of the non-resident parent lead to a superseding decision this regulation shall not apply to the ground relating to the net income of that parent.]

(4) This regulation shall not apply to a decision under regulation [F184 6A(2)(a)] where—

- (a) the superseding decision is made in consequence of the determination of an application made under section 28G of the Child Support Act;
- (b) the superseding decision affects a variation ground in a decision made under section 11 or 17 of the Child Support Act, whether as originally made or as revised under section 16 of that Act;
- (c) the decision being superseded was made under section 12(2) of the Child Support Act, or was a decision under section 17 of that Act superseding an interim maintenance decision, whether as originally made or as revised under section 16 of that Act;

[F186(d); F187 ...]

- (e) the superseding decision takes effect from the dates prescribed in regulation [F188 paragraph 4 of Schedule 3D][F189]; or
- (f) a decision is superseded and in relation to that superseding decision a maintenance calculation is made to which paragraph 15 of Schedule 1 to the Child Support Act applies.]

[F190(5) Where an application has been made to which paragraph (1) applied (“application A”) and a further application (“application B”) is made for a supersession on a ground other than one relating to the net income of the non-resident parent, the [F191 Secretary of State] may make a superseding decision on the basis that application A was made at the same time as application B.]]

Textual Amendments

F173 Reg. 6A - Reg. 6B inserted (3.3.2003 for specified purposes being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, art. 3) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **8** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)

F181 Reg. 6B omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**

F182 Words in reg. 6B(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(5)**

F183 Words in reg. 6B(1) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **4(4)**

Status: Point in time view as at 30/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- F184** Word in reg. 6B substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(5)(b)** (with reg. 7)
- F185** Reg. 6B(3) substituted (16.9.2004 for specified purposes and in accordance with reg. 1(2)(b)) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), **regs. 1(2)(b), 2(2)(a)**
- F186** Reg. 6B(4)(d) omitted (6.4.2009) by virtue of [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(5)(c)** (with reg. 7)
- F187** Word in reg. 6B(4)(d) omitted (4.7.2011) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(3)(a)**
- F188** Words in reg. 6B(4)(e) substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(5)(d)** (with reg. 7)
- F189** Reg. 6B(4)(f) and word added (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(3)(b)**
- F190** Reg. 6B(5) inserted (16.9.2004 for specified purposes and in accordance with reg. 1(2)(b)) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), **regs. 1(2)(b), 2(2)(b)**
- F191** Words in reg. 6B(5) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(5)**

Date from which a decision superseded under section 10 takes effect

7.—^{F192}(1) This regulation—

- (a) [^{F193}is, except for [^{F194}paragraphs (2)(b)[^{F195}, (bb)][^{F196}or (be)], (29) and (30)] and (29), subject to Schedules 3A^{F197}, 3B and 3C]; and
- (b) contains exceptions to the provisions of section 10(5) as to the date from which a decision under section 10 which supersedes an earlier decision is to take effect.]

(2) Where a decision under section 10 is made on the ground that there has been, or it is anticipated that there will be, a relevant change of circumstances since the decision [^{F198}had effect][^{F199}or, in the case of an advance award, since the decision was made], the decision under section 10 shall take effect—

- ^{F200}(a) from the date the change occurred or, where the change does not have effect until a later date, from the first date on which such effect occurs where—
- (i) the decision is advantageous to the claimant; and
- (ii) the change was notified to an appropriate office within one month of the change occurring or within such longer period as may be allowed under regulation 8 for the claimant's failure to notify the change on an earlier date; and
- (ii) head (i) of sub-paragraph (c) shall be omitted.]
- (b) where the decision is advantageous to the claimant and the change was notified to an appropriate office more than one month after the change occurred or after the expiry of any such longer period as may have been allowed under regulation 8—
- (i) in the case of a claimant who is in receipt of income support^{F201}, jobseeker's allowance^{F202}, state pension credit or an employment and support allowance]] and benefit is paid in arrears, from the beginning of the benefit week in which the notification was made;
- (ii) in the case of a claimant who is in receipt of income support^{F201}, jobseeker's allowance or state pension credit] and benefit is paid in advance and the date of notification is the first day of a benefit week from that date and otherwise, from the beginning of the benefit week following the week in which the notification was made; or

(iii) in any other case, the date of notification of the relevant change of circumstances; or
[^{F203}(bb) where the decision is advantageous to the claimant and is made on the Secretary of State's own initiative—

- (i) except where paragraph (ii) applies, from the beginning of the benefit week in which the Secretary of State commenced action with a view to supersession; or
- (ii) in the case of a claimant who is in receipt of income support, jobseeker's allowance or state pension credit where benefit is paid in advance and the Secretary of State commenced action with a view to supersession on a day which was not the first day of the benefit week, from the beginning of the benefit week following the week in which the Secretary of State commenced such action;]

[^{F204}(bc) where—

- (i) the claimant is a disabled person or a disabled person's partner;
- (ii) the decision is advantageous to the claimant; and
- (iii) the decision is made in connection with the cessation of payment of a carer's allowance relating to that disabled person,

the day after the last day for which carer's allowance was paid to a person other than the claimant or the claimant's partner;]

^{F205}(bd)

[^{F206}(be) in the case of a claimant who is in receipt of an employment and support allowance and the claimant makes an application which contains an express statement that he is terminally ill within the meaning of regulation 2(1) of the Employment and Support Allowance Regulations , from the date the claimant became terminally ill;]

(c) where the decision is not advantageous to the claimant—

^{F207}(i)

[^{F208}(ii) in the case of a disability benefit decision, or an incapacity benefit decision where there has been an incapacity determination [^{F209}or an employment and support allowance decision where there has been a limited capability for work determination] (whether before or after the decision), where the Secretary of State is satisfied that in relation to a disability determination embodied in or necessary to the disability benefit decision, or the incapacity determination [^{F209}or an employment and support allowance decision where there has been a limited capability for work determination], the claimant or payee failed to notify an appropriate office of a change of circumstances which regulations under the Administration Act required him to notify, and the claimant or payee, as the case may be, knew or could reasonably have been expected to know that the change of circumstances should have been notified,

(aa) from the date on which the claimant or payee, as the case may be, ought to have notified the change of circumstances, or

(bb) if more than one change has taken place between the date from which the decision to be superseded took effect and the date of the superseding decision, from the date on which the first change ought to have been notified, or]

^{F210}(iii)

[^{F211}(iv) in the case of a disability benefit decision, where the change of circumstances is not in relation to the disability determination embodied in or necessary to the disability benefit decision, from the date of the change; or

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(v) in any other case, except in the case of a decision which supersedes a disability benefit decision, from the date of the change.]

[^{F212}(2A) ^{F213}]

[^{F214}(3) For the purposes of paragraphs (2) and (8) “benefit week” has the same meaning, as the case may be, as in—

- (a) regulation 2(1) of the Income Support Regulations;
- (b) regulation 1(3) of the Jobseeker’s Allowance Regulations;
- (c) regulation 1(2) of the State Pension Credit Regulations; or
- (d) regulation 2(1) of the Employment and Support Allowance Regulations.]

(4) In paragraph (2) a decision which is to the advantage of the claimant includes a decision specified in regulation 30(2)(a) to (f).

[^{F215}(5) Where the Secretary of State supersedes a decision made by [^{F216}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or a Commissioner] on the grounds specified in regulation 6(2)(c)[^{F217}(i)] (ignorance of, or mistake as to, a material fact), the decision under section 10 shall take effect, in a case where, as a result of that ignorance of or mistake as to material fact, the decision to be superseded was more advantageous to the claimant than it would otherwise have been and which either—

- (a) does not relate to a disability benefit decision or an incapacity benefit decision where there has been an incapacity determination; or
- (b) relates to a disability benefit decision or an incapacity benefit decision where there has been an incapacity determination, and the Secretary of State is satisfied that at the time the decision was made the claimant or payee knew or could reasonably have been expected to know of the fact in question and that it was relevant to the decision,

from the date on which the decision of [^{F216}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or a Commissioner] took, or was to take, effect.]

(6) Any decision made under section 10 in consequence of a decision which is a relevant determination for the purposes of section 27 shall take effect as from the date of the relevant determination.

[^{F218}(6A) Where—

- (a) there is a decision which is a relevant determination for the purposes of section 27 and the Secretary of State makes a benefit decision of the kind specified in section 27(1)(b);
- (b) there is an appeal against the determination;
- (c) after the benefit decision payment is suspended in accordance with regulation 16(1) and (3)(b)(ii); and
- (d) on appeal a court, within the meaning of section 27, reverses the determination in whole or in part,

a consequential decision by the Secretary of State under section 10 which supersedes his earlier decision under sub-paragraph (a) shall take effect from the date on which the earlier decision took effect.]

[^{F219}(7) A decision which is superseded in accordance with regulation 6(2)(e) or (ee) shall be superseded—

- (a) subject to sub-paragraph (b), from the date on which entitlement arises to the other relevant benefit referred to in regulation 6(2)(e)(ii) or (ee) or to an increase in the rate of that other relevant benefit; or
- (b) where the claimant or his partner—

(i) is not a severely disabled person for the purposes of section 135(5) of the Contributions and Benefits Act (the applicable amount) or section 2(7) of the State Pension Credit Act (guarantee credit) [^{F220}or paragraph 6 of Schedule 4 to the Employment and Support Allowance Regulations;]

(ii) by virtue of his having—

(aa) a non-dependant as defined by regulation 3 of the Income Support Regulations [^{F221}, regulation 2 of the Jobseeker’s Allowance Regulations] [^{F222}or regulation 71 of the Employment and Support Allowance Regulations]; or

(bb) a person residing with him for the purposes of paragraph 1 of Schedule 1 to the State Pension Credit Regulations whose presence may not be ignored in accordance with paragraph 2 of that Schedule,

at the date the superseded decision would, but for this sub-paragraph, have had effect, from the date on which the claimant or his partner ceased to have a non-dependant or person residing with him or from the date on which the presence of that person was first ignored.]

[^{F223}(7A) Where a decision is superseded in accordance with regulation 6(2)(o), the superseding decision shall take effect from the day on which a lump sum, or a payment on account of a lump sum, is paid or repaid if that day is the first day of the benefit week but, if it is not, from the next following such day.]

[^{F224}(8) A decision to which regulation 6(2)(f) applies shall take effect from the beginning of the period specified in regulation 69(6) of the Jobseeker’s Allowance Regulations.]

[^{F225}(8ZA) A decision to which regulation 6(2)(fa) applies shall take effect from the beginning of the period specified in regulation 69A(3) of the Jobseeker’s Allowance Regulations.]

^{F226}(8ZB)

[^{F227}(8A) Where a decision is superseded in accordance with regulation 6(2)(s), the superseding decision shall take effect from the date on which the late or unpaid contribution is treated as paid.]

[^{F228}(9) [^{F229}Except where paragraph (9A) applies,] a decision relating to attendance allowance or disability living allowance which is advantageous to the claimant and which is made under section 10 on the basis of a relevant change of circumstances shall take effect from—

(a) [^{F230}where the decision is made on the Secretary of State’s own initiative—

(i) the date on which the Secretary of State commenced action with a view to supersession; or

(ii) subject to paragraph (30), in a case where the relevant circumstances are that there has been a change in the legislation in relation to attendance allowance or disability living allowance, the date on which that change in the legislation had effect;]

(b) where—

(i) the change is relevant to the question of entitlement to a particular rate of benefit; and

(ii) the claimant notifies the change before a date one month after he satisfied the conditions of entitlement to that rate or within such longer period as may be allowed under regulation 8,

the [^{F231}date on which] he satisfied those conditions;

(c) where—

(i) the change is relevant to the question of whether benefit is payable; and

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Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- (ii) the claimant notifies the change before a date one month after the change or within such longer period as may be allowed under regulation 8,
- the [^{F232}date on which] the change occurred; or
- (d) in any other case, the date of the application for the superseding decision.]

[^{F233}(9A) Where—

- (a) on or after 8th March 2001, the claimant had an award of attendance allowance, carer's allowance, or the care component of disability living allowance;
- (b) the Secretary of State made a superseding decision in accordance with regulation 6(2)(a) to end that award on the ground that there had been, or it was anticipated that there would be, a relevant change of circumstances as a result of the claimant moving, or planning to move, from Great Britain to an EEA state or Switzerland; and
- (c) the Secretary of State supersedes that decision in accordance with regulation 6(2)(b)(i) on the ground that it was erroneous in point of law,

the superseding decision referred to in sub-paragraph (c) shall take effect from 18th October 2007.]

(10) A decision as to an award of incapacity benefit, which is made under section 10 because section 30B(4) of the Contributions and Benefits Act applies to the claimant, shall take effect as from the date on which he became entitled to the highest rate of the care component of disability living allowance.

(11) A decision as to an award of incapacity benefit or severe disablement allowance, which is made under section 10 because the claimant is to be treated as incapable of work under regulation 10 of the Social Security (Incapacity for Work) (General) Regulations 1995 ^{M4} (certain persons with a severe condition to be treated as incapable of work), shall take effect as from the date he is to be treated as incapable of work.

(12) Where this paragraph applies, a decision under section 10 may be made so as to take effect as from such date not more than eight weeks before—

- (a) the application for supersession; or
- (b) where no application is made, the date on which the decision under section 10 is made,

as is reasonable in the particular circumstances of the case.

(13) Paragraph (12) applies where—

- (a) the effect of a decision under section 10 is that there is to be included in a claimant's applicable amount an amount in respect of a loan which qualifies under—
 - (i) paragraph 15 or 16 of Schedule 3 to the Income Support Regulations; or
 - (ii) paragraph 14 or 15 of Schedule 2 to the Jobseeker's Allowance Regulations; [^{F234}or
 - (iii) paragraph 11 or 12 of Schedule II to the State Pension Credit Regulations; [^{F235}or]]
 - [^{F236}(iv) paragraph 16 or 17 of Schedule 6 to the Employment and Support Allowance Regulations; and]
- (b) that decision could not have been made earlier because information necessary to make that decision, requested otherwise than in accordance with paragraph 10(3)(b) of Schedule 9A to the Claims and Payments Regulations ^{M5} (annual requests for information), had not been supplied to the Secretary of State by the lender.

(14) Subject to paragraph (23), where a claimant is in receipt of income support and his applicable amount includes an amount determined in accordance with Schedule 3 to the Income Support Regulations (housing costs), and there is a reduction in the amount of eligible capital owing in connection with a loan which qualifies under paragraph 15 or 16 of that Schedule, a decision made under section 10 shall take effect—

- (a) on the first anniversary of the date on which the claimant's housing costs were first met under that Schedule; or
- (b) where the reduction in eligible capital occurred after the first anniversary of the date referred to in sub-paragraph (a), on the next anniversary of that date following the date of the reduction.

(15) Where a claimant is in receipt of income support and payments made to that claimant which fall within paragraph 29 or 30(1)(a) to (c) of Schedule 9 to the Income Support Regulations have been disregarded in relation to any decision under section 8 or 10 and there is a change in the amount of interest payable—

- (a) on a loan qualifying under paragraph 15 or 16 of Schedule 3 to those Regulations to which those payments relate; or
- (b) on a loan not so qualifying which is secured on the dwelling occupied as the home to which those payments relate,

a decision under section 10 which is made as a result of that change in the amount of interest payable shall take effect on whichever of the dates referred to in paragraph (16) is appropriate in the claimant's case.

(16) The date on which a decision under section 10 takes effect for the purposes of paragraph (15) is—

- (a) the date on which the claimant's housing costs are first met under paragraph 6(1)(a), 8(1)(a) or 9(2)(a) of Schedule 3 to the Income Support Regulations; or
- (b) where the change in the amount of interest payable occurred after the date referred to in sub-paragraph (a), on the date of the next alteration in the standard rate following the date of that change.

(17) In paragraph (16), "standard rate" has the same meaning as it has in paragraph 1(2) of Schedule 3 to the Income Support Regulations.

[^{F237}(17A) For the purposes of state pension credit—

- (a) paragraph (14) shall apply as if the reference to—
 - (i) "income support and his applicable amount" was a reference to "state pension credit and his appropriate minimum guarantee";
 - (ii) "Schedule 3 to the Income Support Regulations" was a reference to "Schedule II to the State Pension Credit Regulations "; and
 - (iii) "paragraph 15 or 16" was a reference to "paragraph 11 or 12";
- (b) paragraphs (15) to (17) shall not apply.]

[^{F238}[^{F239}(17B) Paragraph (17C) applies where—

- (a) a claimant is awarded state pension credit;
- (b) the claimant or his partner is aged 65 or over;
- (c) his appropriate minimum guarantee (as defined by the State Pension Credit Act) includes housing costs determined in accordance with Schedule II to the State Pension Credit Regulations; and
- (d) after the date from which sub-paragraph (c) applies—
 - (i) a non-dependant (as defined in that Schedule) begins to reside with the claimant; or
 - (ii) [^{F240}there has been a change of circumstances in respect of a non-dependant and this reduces] the applicable amount of the claimant's housing costs.

(17C) In the circumstances specified in paragraph (17B) a decision made under section 10 shall take effect—

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- (a) where there is more than one change of the kind specified in paragraph (17B)(d) in respect of the same non-dependant within the same 26 week period, 26 weeks after the date on which the first such change occurred; and
- (b) in any other circumstances, 26 weeks after the date on which a change specified in paragraph (17B)(d) occurred.]]

[^{F241}(17D) Except in a case where paragraph (23) applies, where a claimant is in receipt of an employment and support allowance and his applicable amount includes an amount determined in accordance with Schedule 6 to the Employment and Support Allowance Regulations (housing costs), and there is a reduction in the amount of eligible capital owing in connection with a loan which qualifies under paragraph 16 or 17 of that Schedule, a decision made under section 10 shall take effect—

- (a) on the first anniversary of the date on which the claimant’s housing costs were first met under that Schedule; or
- (b) where the reduction in eligible capital occurred after the first anniversary of the date referred to in sub-paragraph (a), on the next anniversary of that date following the date of the reduction.

(17E) Where a claimant is in receipt of an employment and support allowance and payments made to that claimant which fall within paragraph 31 or 32(1)(a) to (c) of Schedule 8 to the Employment and Support Allowance Regulations have been disregarded in relation to any decision under section 8 or 10 and there is a change in the amount of interest payable—

- (a) on a loan qualifying under paragraph 16 or 17 of Schedule 6 to those Regulations to which those payments relate; or
- (b) on a loan not so qualifying which is secured on the dwelling occupied as the home to which those payments relate,

a decision under section 10 which is made as a result of that change in the amount of interest payable shall take effect on whichever of the dates referred to in paragraph (17F) is appropriate in the claimant’s case.

(17F) The date on which a decision under section 10 takes effect for the purposes of paragraph (17E) is—

- (a) the date on which the claimant’s housing costs are first met under paragraph 8(1)(a), 9(1)(a) or 10(2)(a) of Schedule 6 to the Employment and Support Allowance Regulations ; or
- (b) where the change in the amount of interest payable occurred after the date referred to in sub-paragraph (a), on the date of the next alteration in the standard rate following the date of that change.

(17G) In paragraph (17F) “standard rate” has the same meaning as it has in paragraph 13(2) of Schedule 6 to the Employment and Support Allowance Regulations .

(17H) Where the decision is superseded in accordance with regulation 6(2)(a)(i) and the relevant circumstances are that the claimant has a non-dependant who has become entitled to main phase employment and support allowance, the superseding decision shall take effect from the date the main phase employment and support allowance is first paid to the non-dependant.]

(18) Subject to paragraph (24) and, except in a case to which paragraph (23) applies, where a claimant is in receipt of a jobseeker’s allowance and his applicable amount includes an amount determined in accordance with Schedule 2 to the Jobseeker’s Allowance Regulations (housing costs), and there is a reduction in the amount of eligible capital owing in connection with a loan which qualifies under paragraph 14 or 15 of that Schedule, a decision under section 10 made as a result of that reduction shall take effect—

- (a) on the first anniversary of the date on which the claimant’s housing costs were first met under that Schedule; or

- (b) where the reduction in eligible capital occurred after the first anniversary of the date referred to in sub-paragraph (a), on the next anniversary of that date following the date of the reduction.

(19) Where a claimant is in receipt of a jobseeker's allowance and payments made to that claimant which fall within paragraph 30 or 31(1)(a) to (c) of Schedule 7 to the Jobseeker's Allowance Regulations have been disregarded in relation to any decision under section 8 or 10 and there is a change in the amount of interest payable—

- (a) on a loan qualifying under paragraph 14 or 15 of Schedule 2 to those Regulations to which those payments relate; or
- (b) on a loan not so qualifying which is secured on the dwelling occupied as the home to which those payments relate,

any decision under section 10 which is made as a result of that change in the amount of interest payable shall take effect on whichever of the dates referred to in paragraph (20) is appropriate in the claimant's case.

(20) The date on which a decision under section 10 takes effect for the purposes of paragraph (19) is—

- (a) the date on which the claimant's housing costs are first met under paragraph 6(1)(a), 7(1)(a) or 8(2)(a) of Schedule 2 to the Jobseeker's Allowance Regulations; or
- (b) where the changes in the amount of interest payable occurred after the date referred to in sub-paragraph (a), on the date of the next alteration in the standard rate following the date of that change.

(21) In paragraph (20), "standard rate" has the same meaning as it has in paragraph 1(2) of Schedule 2 to the Jobseeker's Allowance Regulations.

(22) Where—

- (a) a claimant was paid benefit in respect of 6th October 1996 in accordance with an award of income support;
- (b) that claimant's applicable amount includes an amount determined in accordance with Schedule 3 to the Income Support Regulations (housing costs);
- (c) that claimant is treated as having been awarded a jobseeker's allowance by virtue of regulation 7 of the Jobseeker's Allowance (Transitional Provisions) Regulations 1996^{M6} (jobseeker's allowance to replace income support and unemployment benefit); and
- (d) a decision is made under section 10 in consequence of a reduction in the amount of eligible capital owing in connection with a loan which qualifies under paragraph 15 or 16 of Schedule 3 to the Income Support Regulations,

the decision under section 10 referred to in sub-paragraph (d) shall take effect on the next anniversary of the date on which housing costs were first met which occurs after the reduction.

^{F242}(23) Where, in any case to which paragraph (14), (17A)^{F243}, (17D)^{F244} ... or (18) applies, a claimant has been continuously in receipt of, or treated as having been continuously in receipt of income support, a jobseeker's allowance^{F245}, an employment and support allowance] or state pension credit, or one of those benefits followed by the other, and he or his partner continues to receive any of those benefits, the anniversary to which those paragraphs refer shall be—

- (a) in the case of income support^{F246}, jobseeker's allowance or employment and support allowance], the anniversary of the earliest date on which benefit in respect of those mortgage interest costs became payable;
- (b) in the case of state pension credit, the relevant anniversary date determined in accordance with paragraph 7 of Schedule II to the State Pension Credit Regulations.]

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(24) Where—

- (a) it has been determined that the amount of a jobseeker’s allowance payable to a young person is to be reduced under regulation 63 of the Jobseeker’s Allowance Regulations because paragraph (1)(b)(iii), (c), (d), (e) or (f) of that regulation (reduced payments under section 17 of the Jobseekers Act) applied in his case; and
- (b) the decision made in consequence of sub-paragraph (a) falls to be superseded by a decision under section 10 because the Secretary of State has subsequently issued a certificate under section 17(4) of the Jobseekers Act with respect to the failure in question,

the decision under section 10 shall take effect as from the same date as the decision made in consequence of sub-paragraph (a) has effect.

[^{F247}[^{F248}(25) In a case where a decision (“ the first decision ”) has been made that a person failed without good cause to take part in a work-focused interview, the decision under section 10 shall take effect as from—

- (a) the first day of the benefit week to commence for that person following the date of the first decision; or
- (b) in a case where a partner has failed without good cause to take part in a work-focused interview [^{F249}in accordance with regulations made under section 2AA of the Administration Act]—
 - (i) the first day of the benefit week to commence for the claimant [^{F250}(meaning the person who has been awarded a benefit within section 2AA(2) of the Administration Act at a higher rate referable to that partner)] following the date of the first decision; or
 - (ii) if that date arises five days or less after the day on which the first decision was made, as from the first day of the second benefit week to commence for the claimant following the date of the first decision.]

(26) In paragraph (25), “benefit week” means any period of 7 days corresponding to the week in respect of which the relevant social security benefit is due to be paid.]

^{F251}(27)

[^{F252}(28) A decision to which regulation 6(2)(j) or (k) applies shall take effect from the first day of the disqualification period prescribed for the purposes of section [^{F253}6B or] 7 of the Social Security Fraud Act 2001.]

[^{F254}(29) [^{F255}Subject to paragraphs (29A) and (29B), a] decision to which regulation 6(2)(1) (state pension credit) refers shall take effect from the day following the day on which the assessed income period ends if that day is the first day of the claimant’s benefit week, but if it is not, from the next following such day.]

[^{F256}(29A) A decision to which regulation 6(2)(1) applies, where—

- (a) the decision is advantageous to the claimant; and
- (b) the information and evidence required under regulation 32(1) of the Claims and Payments Regulations has not been provided within the period allowed under that regulation,

shall take effect from the day the information and evidence required under that regulation is provided if that day is the first day of the claimant’s benefit week, but, if it is not, from the next following such day.

(29B) A decision to which regulation 6(2)(1) applies, where—

- (a) the decision is disadvantageous to the claimant; and

(b) the information and evidence required under regulation 32(1) of the Claims and Payments Regulations has not been provided within the period allowed under that regulation, shall take effect from the day after the period allowed under that regulation expired.

(29C) Except where there is a change of circumstances during the period in which the Secretary of State was prevented from specifying a new assessed income period under regulation 10(1) of the State Pension Credit Regulations, a decision to which regulation 6(2)(m) applies shall take effect from the day on which the information and evidence required under regulation 32(6)(a) of the Claims and Payments Regulations was provided.]

[^{F257}(30) Where a decision is superseded in accordance with regulation 6(2)(a)(i) and the relevant circumstances are that there has been a change in the legislation in relation to a relevant benefit, the decision under section 10 shall take effect from the date on which that change in the legislation had effect.

[^{F258}(30A) Where a decision is superseded in accordance with regulation 6(2)(a)(ii) and the relevant change of circumstances is the coming into force of a change in the legislation in relation to a relevant benefit, the decision under section 10 shall take effect from the date on which that change in the legislation takes effect.]

(31) Where a decision is superseded in accordance with regulation 6(2)(a)(ii) and the relevant circumstances are that—

- (a) a personal capability assessment has been carried out in the case of a person to whom section 171C(4) of the Contributions and Benefits Act applies; and
- (b) the own occupation test remains applicable to him under section 171B(3) of that Act,

the decision under section 10 shall take effect on the day ^{F259} ... on which the own occupation test is no longer applicable to that person.

(32) For the purposes of paragraph (31)—

- (a) “personal capability assessment” has the same meaning as in regulation 24 of the Social Security (Incapacity for Work) (General) Regulations 1995;
- (b) “own occupation test” has the same meaning as in section 171B(2) of the Contributions and Benefits Act.

(33) A decision to which regulation 6(2)(c)(ii) applies shall take effect from the date on which [^{F260}the decision of the appeal tribunal, the First-tier Tribunal, the Upper Tribunal or the Commissioner] would have taken effect had it been decided in accordance with the determination of the [^{F261}Upper Tribunal][^{F262}or the Commissioner] or the court in the appeal referred to in section 26(1)(b).]

[^{F263}(34) A decision which supersedes a decision specified in regulation 6(2)(n) shall take effect from the effective date of the Secretary of State’s decision to terminate income support which was confirmed by the decision specified in regulation 6(2)(n).]

(35) [^{F264}A decision made in accordance with regulation 6(2)(p), where the failure determination was made before the 13th week of entitlement, shall take effect from the first day of the benefit week following that week.]

[^{F265}A decision made in accordance with regulation 6(2)(p) shall take effect —

- (a) on the first day of the benefit week in which the failure determination was made where, on the date of that determination, the claimant has not been paid an employment and support allowance since the failure to which that determination relates; or
- (b) in any other case, on the first day of the benefit week after the end of the benefit week in respect of which the claimant was last paid an employment and support allowance.]

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(37) A decision made in accordance with regulation 6(2)(q) shall take effect from the first day of the benefit week in which the reduction mentioned in that sub-paragraph ceased to have effect.

[^{F266}(38) A decision made in accordance with regulation 6(2)(r) that embodies a determination that the claimant has—

- (a) limited capability for work; or
- (b) limited capability for work-related activity; or
- (c) limited capability for work and limited capability for work-related activity

which is the first such determination shall take effect from [^{F267}the day after the last day of the relevant period as defined in regulation 4(4) of the Employment and Support Allowance Regulations].]

(39) A decision made in accordance with regulation 6(2)(r), following an application by the claimant, that embodies a determination that the claimant has limited capability for work-related activity shall take effect from the date of the application.

[^{F268}(40) A decision made in accordance with regulation 6(2)(r) that embodies a determination that the claimant has—

- (a) limited capability for work; or
- (b) limited capability for work-related activity; or
- (c) limited capability for work and limited capability for work-related activity

where regulation 5 of the Employment and Support Allowance Regulations (assessment phase – previous claimants) applies shall take effect from the beginning of the 14th week of the person's continuous period of limited capability for work.]

[^{F269}(41) A decision made in accordance with regulation 6(2)(t) shall take effect from the first day of the next benefit week following the day on which the determination mentioned in that sub-paragraph was made.

(42) A decision made in accordance with regulation 6(2)(u) shall take effect from the first day of the benefit week in which the reduction mentioned in that sub-paragraph ceased to have effect.]

Textual Amendments

- F192** Reg. 7(1) substituted (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), art. 3(1)(a), **Sch. 19 para. 1** (with art. 3(1)(b), Schs. 21-23)
- F193** Reg. 7(1)(a) substituted (7.4.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **18(a)**
- F194** Words in reg. 7(1)(a) substituted (5.5.2003) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1050\)](#), regs. 1(1)(a), **3(5)(a)** (with reg. 6)
- F195** Word in reg. 7(1)(a) inserted (30.10.2008) by [Social Security \(Miscellaneous Amendments\) \(No.5\) Regulations 2008 \(S.I. 2008/2667\)](#), regs. 1, **3(4)(a)**
- F196** Words in reg. 7(1)(a) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **33(2)(a)**
- F197** Words in reg. 7(1)(a) substituted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **33(2)(b)**
- F198** Words in reg. 7(2) substituted (5.5.2003) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1050\)](#), regs. 1(1)(a), **3(5)(b)** (with reg. 6)
- F199** Words in reg. 7(2) inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(5)(a)**
- F200** Reg. 7(2)(a) substituted (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), art. 3(1)(a), **Sch. 19 para. 1(b)(i)** (with art. 3(1)(b), Schs. 21-23)

- F201** Words in reg. 7(2)(b)(i)(ii) substituted (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **18(b)**
- F202** Words in reg. 7(2)(b)(i) substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(3)(a)**
- F203** Reg. 7(2)(bb) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(b)**
- F204** Reg. 7(2)(bc) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(c)**
- F205** Reg. 7(2)(bd) omitted (19.5.2008) by virtue of Social Security (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/1042), regs. 1(2), **2(b)**
- F206** Reg. 7(2)(be) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(3)(b)**
- F207** Reg. 7(2)(c)(i) omitted (29.11.1999) by virtue of The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178) , art. 3(1)(a), **Sch. 19 para. 1(b)(ii)** (with art. 3(1)(b), Schs. 21-23)
- F208** Reg. 7(2)(c)(ii)(iii) substituted for reg. 7(2)(c)(ii) (5.7.1999) by The Social Security and Child Support (Decisions and Appeals) Amendment (No. 2) Regulations 1999 (S.I. 1999/1623), regs. 1(1), **4**
- F209** Words in reg. 7(2)(c)(ii) inserted (13.7.2009) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2009 (S.I. 2009/1490), regs. 1, **3(3)**
- F210** Reg. 7(2)(c)(iii) omitted (10.4.2006) by virtue of Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(3)(a)(i)**
- F211** Reg. 7(2)(c)(iv) Reg. 7(2)(c)(v) added (10.4.2006) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(3)(a)(ii)**
- F212** Reg. 7(2A) inserted (19.5.2008) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/1042), regs. 1(2), **2(c)**
- F213** Reg. 7(2A) omitted (30.10.2008) by virtue of Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(d)**
- F214** Reg. 7(3) substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(4)**
- F215** Reg. 7(5) substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **17(c)**
- F216** Words in reg. 7(5) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(5)(a)**
- F217** Word in reg. 7(5) inserted (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(5)(c)** (with reg. 6)
- F218** Reg. 7(6A) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(5)(b)**
- F219** Reg. 7(7) substituted (10.4.2006) by Social Security (Miscellaneous Amendments) (No.2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **5(3)(b)**
- F220** Words in reg. 7(7)(b)(i) added (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(5)(a)**
- F221** Words in reg. 7(7)(b)(ii)(aa) inserted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **17**
- F222** Words in reg. 7(7)(aa)(b)(ii) added (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(5)(b)**
- F223** Reg. 7(7A) inserted (6.4.2006) by Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005 (S.I. 2005/2677), regs. 1(1), **9(5)**
- F224** Reg. 7(8) substituted (22.10.2012) by The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(4)(a)**
- F225** Reg. 7(8ZA) substituted (22.10.2012) by The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(4)(b)**

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- F226** Reg. 7(8ZB) omitted (22.10.2012) by virtue of The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(4)(c)**
- F227** Reg. 7(8A) inserted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(e)**
- F228** Reg. 7(9) substituted (17.2.2000) by The Social Security and Child Support (Decisions and Appeals) Amendment Regulations 2000 (S.I. 2000/119), regs. 1(1), **2**
- F229** Words in reg. 7(9) inserted (31.10.2011) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/2426), regs. 1, **2(a)**
- F230** Reg. 7(9)(a) substituted (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(5)(d)** (with reg. 6)
- F231** Words in reg. 7(9)(b) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(f)**
- F232** Words in reg. 7(9)(c) substituted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(f)**
- F233** Reg. 7(9A) inserted (31.10.2011) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/2426), regs. 1, **2(b)**
- F234** Reg. 7(13)(a)(iii) and preceding word substituted (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **18(d)**
- F235** Word in reg. 7(13)(a)(iii) substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(6)(a)**
- F236** Reg. 7(13)(a)(iv) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(6)(b)**
- F237** Reg. 7(17A) inserted (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **18(e)**
- F238** Reg. 7(17B)(17C) inserted (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No.2) Regulations 2002 (S.I. 2002/3197), regs. 1(1)(a), **6(a)**
- F239** Reg. 7(17B)(17C) substituted (5.4.2004) by State Pension Credit (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/647), regs. 1, **2(a)** (with reg. 4)
- F240** Words in reg. 7(17B)(d)(ii) substituted (4.4.2005) by Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **4**
- F241** Reg. 7(17H) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(7)**
- F242** Reg. 7(23) substituted (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No.2) Regulations 2002 (S.I. 2002/3197), regs. 1(1)(a), **6(b)**
- F243** Word in reg. 7(23) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(8)(a)**
- F244** Word in reg. 7(23) omitted (5.4.2004) by virtue of State Pension Credit (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/647), regs. 1, **2(b)** (with reg. 4)
- F245** Words in reg. 7(23) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(8)(b)**
- F246** Words in reg. 7(23)(a) substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **33(8)(c)**
- F247** Reg. 7(25)(26) added (3.4.2000) by The Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897), reg. 1, **Sch. 6 para. 5** (with reg. 2(5))
- F248** Reg. 7(25) substituted (12.4.2004) by The Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003 (S.I. 2003/1886), regs. 1, **15(5)**
- F249** Words in reg. 7(25)(b) substituted (26.4.2004) by Social Security (Working Neighbourhoods) Regulations 2004 (S.I. 2004/959), regs. 1, **24(4)(a)**
- F250** Words in reg. 7(25)(b)(i) substituted (26.4.2004) by Social Security (Working Neighbourhoods) Regulations 2004 (S.I. 2004/959), regs. 1, **24(4)(b)**

- F251** Reg. 7(27) omitted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by virtue of Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010 (S.I. 2010/424), **reg. 4(5)**
- F252** Reg. 7(28) added (1.4.2002) by Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **8(c)**
- F253** Words in reg. 7(28) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **3(4)**
- F254** Reg. 7(29) inserted (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **18(f)**
- F255** Words in reg. 7(29) substituted (6.10.2003) by State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **5(3)(a)**
- F256** Reg. 7(29A)-(29C) added (6.10.2003) by State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **5(3)(b)**
- F257** Reg. 7(30)-(33) added (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **3(5)(e)** (with reg. 6)
- F258** Reg. 7(30A) inserted (6.4.2010) by Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **4(2)**
- F259** Words in reg. 7(31) omitted (30.10.2008) by virtue of Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(4)(g)**
- F260** Words in reg. 7(33) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(5)(b)(i)**
- F261** Words in reg. 7(33) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 104(b)(ii)**
- F262** Words in reg. 7(33) inserted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **4(5)(b)(ii)**
- F263** Reg. 7(34) added (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **2(5)(d)**
- F264** Reg. 7(35) omitted (3.12.2012) by virtue of The Employment and Support Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2756), regs. 1(1), **8(2)** (with reg. 1(2))
- F265** Reg. 7(36) substituted (3.12.2012) by The Employment and Support Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2756), regs. 1(1), **8(3)** (with reg. 1(2))
- F266** Reg. 7(38) substituted (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **7(4)(a)**
- F267** Words in reg. 7(38) substituted (30.3.2015) by The Jobseeker's Allowance (Extended Period of Sickness) Amendment Regulations 2015 (S.I. 2015/339), regs. 1, **7(3)**
- F268** Reg. 7(40) added (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **7(4)(b)**
- F269** Reg. 7(41)(42) added (28.4.2014) by The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014 (S.I. 2014/1097), regs. 1(1), **12(5)**

Marginal Citations

- M4** S.I. 1995/311; relevant amending instruments are S.I. 1995/987, S.I. 1996/3207 and S.I. 1997/1009.
- M5** Schedule 9A was inserted by S.I. 1992/1026.
- M6** S.I. 1996/2567.

[^{F270}]^{F271} Definitions for the purposes of Chapters I and II]

- 7A.**—(1) For the purposes of regulations 3(5)(c), 6(2)(g)[^{F272}, 6(2)(r)][^{F273}, 7(2)(c) and (5)]—

Status: Point in time view as at 30/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

“disability benefit decision” means a decision to award a relevant benefit embodied in or necessary to which is a disability determination,

“disability determination” means—

- (a) in the case of a decision as to an award of an attendance allowance or a disability living allowance, whether the person satisfies any of the conditions in section 64, 72(1) or 73(1) to (3), as the case may be, of the Contributions and Benefits Act,
- (b) in the case of a decision as to an award of severe disablement allowance, whether the person is disabled for the purpose of section 68 of the Contributions and Benefits Act, or
- (c) in the case of a decision as to an award of industrial injuries benefit, whether the existence or extent of any disablement is sufficient for the purposes of section 103 or 108 of the Contributions and Benefits Act or for the benefit to be paid at the rate which was in payment immediately prior to that decision;

[^{F274} “employment and support allowance decision” means a decision to award a relevant benefit or relevant credit embodied in or necessary to which is a determination that a person has or is to be treated as having limited capability for work under Part 1 of the Welfare Reform Act ;]

“incapacity benefit decision” means a decision to award a relevant benefit [^{F275}or relevant credit] embodied in or necessary to which is a determination that a person is or is to be treated as incapable of work under Part XIIA of the Contributions and Benefits Act, [^{F276}or an award of long term incapacity benefit under regulation 17(1) (transitional awards of long-term incapacity benefit) of the Social Security (Incapacity Benefit) (Transitional) Regulations 1995]

“incapacity determination” means a determination whether a person is incapable of work by applying the [^{F277}personal capability assessment] in regulation 24 of the Social Security (Incapacity for Work) (General) Regulations 1995 or whether a person is to be treated as incapable of work in accordance with regulation 10 (certain persons with a severe condition to be treated as incapable of work) or 27 (exceptional circumstances) of those Regulations, and

[^{F278} “limited capability for work determination” means a determination whether a person has limited capability for work by applying the test of limited capability for work or whether a person is to be treated as having limited capability for work in accordance with regulation 20 of the Employment and Support Allowance Regulations ;]

“payee” means a person to whom a benefit referred to in paragraph (a), (b) or (c) of the definition of “disability determination”, or a benefit referred to in the definition of “incapacity benefit decision” [^{F279}or “employment and support allowance decision”] is payable.

(2) Where a person’s receipt of or entitlement to a benefit (“the first benefit”) is a condition of his being entitled to any other benefit, allowance or advantage (“a second benefit”) and a decision is revised under regulation 3(5)(c) or a superseding decision is made under regulation 6(2) to which regulation 7(2)(c)(ii) applies, the effect of which is that the first benefit ceases to be payable, or becomes payable at a lower rate than was in payment immediately prior to that revision or supersession, a consequent decision as to his entitlement to the second benefit shall take effect from the date of the change in his entitlement to the first benefit.]

Textual Amendments

F270 Reg. 7A inserted (5.7.1999) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment \(No. 2\) Regulations 1999 \(S.I. 1999/1623\)](#), regs. 1(1), **5**

F271 Reg. 7A heading substituted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **34(2)**

- F272** Words in reg. 7A(1) inserted (28.6.2010) by Social Security (Miscellaneous Amendments) (No.3) Regulations 2010 (S.I. 2010/840), regs. 1, **7(5)**
- F273** Words in reg. 7A(1) substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **18(a)**
- F274** Words in reg. 7A(1) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **34(3)(a)**
- F275** Words in reg. 7A inserted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **18(b)**
- F276** Words in reg. 7A(1) added (24.9.2007) by Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **3(8)**
- F277** Words in reg. 7A substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **18(c)**
- F278** Words in reg. 7A(1) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **34(3)(b)**
- F279** Words in reg. 7A(1) inserted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **34(3)(c)**

[^{F280}Effective date of a supersession decision][^{F280}^{F281}Date from which a decision superseded under section 17 of the Child Support Act takes effect]

[^{F280}Schedule 3D provides for cases and circumstances in which a supersession decision takes effect from a date other than the date specified in section 17(4) of the Child Support Act.]

Textual Amendments

- F280** Reg. 7B substituted (6.4.2009) by Child Support (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/396), regs. 1, **4(6)** (with reg. 7)
- F281** Reg. 7B - Reg. 7C inserted (3.3.2003 for specified purposes and) by The Child Support (Decisions and Appeals) (Amendment) Regulations 2000 (S.I. 2000/3185), reg. 1(1)(2), **9** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F282** Reg. 7B omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785), regs. 1(4), **6(3)**
- F283** Reg. 7B(1A) inserted (30.4.2002) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1204) , **regs. 1(3), 2(4)(a)**
- F284** Words in reg. 7B(9)(a) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 105(a)(i)**
- F285** Words in reg. 7B(9) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 105(a)(ii)**
- F286** Words in reg. 7B(9) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 105(a)(iii)**
- F287** Regs. 7B(11)-(16) omitted (27.10.2008) by virtue of Child Support (Consequential Provisions) Regulations 2008 (S.I. 2008/2543), regs. 1, **4(4)(a)**
- F288** Reg. 7B(17A)-(17C) inserted (3.3.2003 for specified purposes being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, **art. 3**) by The Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/328), regs. 1(3)(b), 3(2)
- F289** Reg. 7B(19) omitted (30.4.2002) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1204), **regs. 1(3), 2(4)(b)**
- F290** Words in reg. 7B(21)(a) omitted (27.10.2008) by virtue of Child Support (Consequential Provisions) Regulations 2008 (S.I. 2008/2543), regs. 1, **4(4)(b)**

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Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- F291** Reg. 7B(22A) inserted (3.3.2003 for specified purposes being the date on which 2000 c. 19, s. 9 comes into force for those purposes by virtue of S.I. 2003/192, art. 3, 5.5.2003 in so far as not already in force) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1050\)](#) , regs. 1(1)(b) , **3(6)** (with reg. 6)
- F292** Words in reg. 7B(22A) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 105(b)(i)**
- F293** Words in reg. 7B(22A) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 105(b)(ii)**

Procedure where the Secretary of State proposes to supersede a decision under section 17 of the Child Support Act on his own initiative

7C. [^{F294}Where the [^{F295}Secretary of State] on [^{F295}the Secretary of State's] own initiative proposes to make a decision superseding a decision [^{F295}the Secretary of State] shall notify the relevant persons who could be materially affected by the decision of that intention.]]

Textual Amendments

- F281** Reg. 7B - Reg. 7C inserted (3.3.2003 for specified purposes and) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **9** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F294** Reg. 7C omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**
- F295** Words in reg. 7C substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(6)**

Effective date for late notifications of change of circumstances

8.—(1) For the purposes of regulation 7(2) [^{F296}and (9)], a longer period of time may be allowed for the notification of a change of circumstances in so far as it affects the effective date of the change where the conditions specified in the following provisions of this regulation are satisfied.

(2) An application for the purposes of regulation 7(2) [^{F297}or (9)] shall be made by the claimant or a person acting on his behalf.

(3) The application referred to in paragraph (2) shall—

- (a) contain particulars of the relevant change of circumstances and the reasons for the failure to notify the change of circumstances on an earlier date; and

[^{F298}(b) be made—

- (i) within 13 months of the date the change occurred; or
- (ii) in the case of an application for the purposes of regulation 7(9)(b), within 13 months of the date on which the claimant satisfied the conditions of entitlement to the particular rate of benefit.]

(4) An application under this regulation shall not be granted unless the Secretary of State is satisfied [^{F299}or the Board are satisfied] that—

- (a) it is reasonable to grant the application;

- (b) the change of circumstances notified by the applicant is relevant to the decision which is to be superseded; and
- (c) special circumstances are relevant to the application and as a result of those special circumstances it was not practicable for the applicant to notify the change of circumstances within one month of the change occurring.

(5) In determining whether it is reasonable to grant the application, the Secretary of State [^{F300}or the Board] shall have regard to the principle that the greater the amount of time that has elapsed between the date one month after the change of circumstances occurred and the date the application for the purposes of regulation 7(2) [^{F301}or (9)] is made, the more compelling should be the special circumstances on which the application is based.

(6) In determining whether it is reasonable to grant an application, no account shall be taken of the following—

- (a) that the applicant or any person acting for him was unaware of, or misunderstood, the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by these Regulations); or
- (b) that [^{F302}the Upper Tribunal] or a court has taken a different view of the law from that previously understood and applied.

(7) An application under this regulation which has been refused may not be renewed.

Textual Amendments

- F296** Words in reg. 8(1) inserted (17.2.2000) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment Regulations 2000](#) (S.I. 2000/119), regs. 1(1), **3(a)**
- F297** Words in reg. 8(2) inserted (17.2.2000) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment Regulations 2000](#) (S.I. 2000/119), regs. 1(1), **3(b)**
- F298** Reg. 8(3)(b) substituted (6.4.2010) by [Social Security \(Miscellaneous Amendments\) Regulations 2010](#) (S.I. 2010/510), regs. 1(2), **4(3)**
- F299** Words in reg. 8(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999](#) (S.I. 1999/2570), regs. 1, **11(a)**
- F300** Words in reg. 8(5) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999](#) (S.I. 1999/2570), regs. 1, **11(b)**
- F301** Words in reg. 8(5) inserted (17.2.2000) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment Regulations 2000](#) (S.I. 2000/119), regs. 1(1), **3(b)**
- F302** Words in reg. 8(6)(b) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007](#) (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 106**

CHAPTER III

OTHER MATTERS

Certificates of recoverable benefits

9. A certificate of recoverable benefits may be reviewed under section 10 of the 1997 Act ^{M7} where the Secretary of State is satisfied that—

- (a) a mistake (whether in computation of the amount specified or otherwise) occurred in the preparation of the certificate;
- (b) the benefit recovered from a person who makes a compensation payment (as defined in section 1 of the 1997 Act) is in excess of the amount due to the Secretary of State;

Status: Point in time view as at 30/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

- (c) incorrect or insufficient information was supplied to the Secretary of State by the person who applied for the certificate and in consequence the amount of benefit specified in the certificate was less than it would have been had the information supplied been correct or sufficient; or
- (d) a ground for appeal is satisfied under section 11 of the 1997 Act ^{M8} .

Marginal Citations

M7 Section 10 was amended by paragraph 149 of Schedule 7 to the Social Security Act 1998.

M8 Section 11 was amended by paragraph 150 of Schedule 7 to the Social Security Act 1998.

[^{F303} Review of certificates

9ZA.—(1) A certificate may be reviewed under section 10 of the 1997 Act where the Secretary of State is satisfied that—

- (a) a mistake (whether in the computation of the amount specified or otherwise) occurred in the preparation of the certificate;
- (b) the lump sum payment recovered from a compensator who makes a compensation payment (as defined in section 1A(5) of the 1997 Act) is in excess of the amount due to the Secretary of State;
- (c) incorrect or insufficient information was supplied to the Secretary of State by the compensator who applied for the certificate and in consequence the amount of lump sum payment specified in the certificate was less than it would have been had the information supplied been correct or sufficient;
- (d) a ground for appeal is satisfied under section 11 of the 1997 Act or an appeal has been made under that section; or
- (e) a certificate has been issued and, for any reason, a recoverable lump sum payment was not included in that certificate.

(2) In this regulation and regulations 1(3) in paragraph (b) of the definition of “party to the proceedings”, [^{F304}29 [^{F305}and 33]], where applicable—

- (a) any reference to the 1997 Act is to be construed so as to include a reference to that Act as applied by regulation 2 of the Lump Sum Payments Regulations and, where applicable, as modified by Schedule 1 to those Regulations;
- (b) “certificate” means a certificate of recoverable lump sum payments, including where any of the amounts is nil;
- (c) “lump sum payment” is a payment to which section 1A(2) of the 1997 Act applies;
- (d) “P” is to be construed in accordance with regulations 4(1)(a)(i) and 5 of the Lump Sum Payments Regulations.]

Textual Amendments

F303 Reg. 9ZA inserted (1.10.2008 as amended by S.I. 2008/2365 reg. 6(4)) by [Social Security \(Recovery of Benefits\) \(Lump Sum Payments\) Regulations 2008 \(S.I. 2008/1596\)](#), reg. 1(1), **Sch. 2 para. 1(b)** (with reg. 6)(as amended by S.I. 2008/2365 reg. 6(4))

F304 Words in reg. 9ZA(2) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 107**

F305 Words in reg. 9ZA(2) omitted (28.10.2013) by virtue of [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(10)(a)** (with reg. 8)

[^{F306} **Consideration of review before appeal**

9ZB.—(1) This regulation applies in a case where—

- (a) the Secretary of State has issued a certificate of recoverable benefits or certificate of recoverable lump sum payments; and
- (b) that certificate is accompanied by a notice to the effect that there is a right of appeal in relation to the certificate only if the Secretary of State has considered an application for review of the certificate.

(2) In a case to which this regulation applies, a person has a right of appeal under section 11 of the 1997 Act against the certificate only if the Secretary of State has considered an application for review of the certificate under section 10 of that Act.]

Textual Amendments

F306 Reg. 9ZB inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(6)**

[^{F307} **Correction of accidental errors**

9A.—(1) Accidental errors in a decision of the Secretary of State or an officer of the Board under a relevant enactment within the meaning of section 28(3), or in any record of such a decision, may be corrected by the Secretary of State or an officer of the Board, as the case may be, at any time.

(2) A correction made to, or to the record of, a decision shall be deemed to be part of the decision, or of that record, and the Secretary of State or an officer of the Board shall give a written notice of the correction as soon as practicable to the claimant.

(3) In calculating the time within which an application can be made under regulation 3(1)(b) for a decision to be revised ^{F308} ... there shall be disregarded any day falling before the day on which notice was given of a correction of the decision or to the record thereof under paragraph (2).]

Textual Amendments

F307 Reg. 9A inserted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#), regs. 1(1), **4**

F308 Words in reg. 9A(3) omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 108**

[^{F309} **Effect of determination as to capacity or capability for work**

10.—(1) This regulation applies to a determination whether a person—

- (a) is capable or incapable of work;
- (b) is to be treated as capable or incapable of work;
- (c) has or does not have limited capability for work; or
- (d) is to be treated as having or not having limited capability for work.

Status: Point in time view as at 30/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART II. (See end of Document for details)

(2) A determination (including a determination made following a change of circumstances) as set out in paragraph (1) which is embodied in or necessary to a decision under Chapter II of Part I of the Act or on which such a decision is based shall be conclusive for the purposes of any further decision.]

Textual Amendments

F309 Reg. 10 substituted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **36**

Secretary of State to determine certain matters

11. Where, in relation to a determination for any purpose to which Part XIIA of the Contributions and Benefits Act [^{F310}or Part 1 of the Welfare Reform Act] applies, an issue arises as to—

(a) whether a person is, or is to be treated as, capable or incapable of work in respect of any period; or

[^{F311}(aa) whether a person is, or is to be treated as, having or not having limited capability for work; or]

(b) whether a person is terminally ill,

that issue shall be determined by the Secretary of State, notwithstanding that other matters fall to be determined by another authority.

Textual Amendments

F310 Words in reg. 11 inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **37(a)**

F311 Reg. 11(aa) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **37(b)**

[^{F312}Issues for decision by officers of Inland Revenue

11A.—(1) Where, on consideration of any claim or other matter, it appears to the Secretary of State that an issue arises which, by virtue of section 8 of the Transfer Act, falls to be decided by an officer of the Board, he shall refer that issue to the Board.

(2) Where—

(a) the Secretary of State has decided any claim or other matter on an assumption of facts—

(i) as to which there appeared to him to be no dispute, but

(ii) concerning which, had an issue arisen, that issue would have fallen, by virtue of section 8 of the Transfer Act, to be decided by an officer of the Board; and

(b) an application for revision or an application for supersession [^{F313}or an appeal] is made in relation to the decision of that claim or other matter; and

(c) it appears to the Secretary of State on [^{F314}receipt of the application or appeal] that such an issue arises,

he shall refer that issue to the Board.

(3) Pending the final decision of any issue which has been referred to the Board in accordance with paragraph (1) or (2) above, the Secretary of State may—

- (a) determine any other issue arising on consideration of the claim or other matter or, as the case may be, of the application,
 - (b) seek a preliminary opinion of the Board on the issue referred and decide the claim or other matter or, as the case may be, the application in accordance with that opinion on that issue; or
 - (c) defer making any decision on the claim or other matter or, as the case may be, the application.
- (4) On receipt by the Secretary of State of the final decision of an issue which has been referred to the Board in accordance with paragraph (1) or (2) above, the Secretary of State shall—
- (a) in a case to which paragraph (3)(b) above applies—
 - (i) consider whether the decision ought to be revised under section 9 or superseded under section 10, and
 - (ii) if so, revise it, or, as the case may be, make a further decision which supersedes it; or
 - (b) in a case to which paragraph (3)(a) or (c) above applies, decide the claim or other matter or, as the case may be, the application,
- in accordance with the final decision of the issue so referred.
- (5) In paragraphs (3) and (4) above “final decision” means the decision of an officer of the Board under section 8 of the Transfer Act or the determination of any appeal in relation to that decision.]

Textual Amendments

- F312** Reg. 11A inserted (5.7.1999) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment \(No. 3\) Regulations 1999 \(S.I. 1999/1670\)](#), regs. 1(1), **2(3)**
- F313** Words in reg. 11A(2)(b) inserted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#), regs. 1(1), **5(a)**
- F314** Words in reg. 11A(2)(c) substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#), regs. 1(1), **5(b)**

Decision of the Secretary of State relating to industrial injuries benefit

12.—(1) This regulation applies where, for the purpose of a decision of the Secretary of State relating to a claim for industrial injuries benefit under Part V of the Contributions and Benefits Act an issue to be decided is—

- (a) the extent of a personal injury for the purposes of section 94 of that Act;
- (b) whether the claimant has a disease prescribed for the purposes of section 108 of that Act or the extent of any disablement resulting from such a disease; or
- (c) whether the claimant has a disablement for the purposes of section 103 of that Act or the extent of any such disablement.

(2) In connection with making a decision to which this regulation applies, the Secretary of State may refer an issue, together with any relevant evidence or information available to him, including any evidence or information provided by or on behalf of the claimant, to a [^{F315}health care professional approved by the Secretary of State] who has experience in such of the issues specified in paragraph (1) as are relevant to the decision, for such report as appears to the Secretary of State to be necessary for the purpose of providing him with information for use in making the decision.

(3) In making a decision to which this regulation applies, the Secretary of State shall have regard to (among other factors)—

- (a) all relevant medical reports provided to him in connection with that decision; and

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- (b) the experience, in such of the issues specified in paragraph (1) as are relevant to the decision, of any [^{F316}health care professional] who has provided a report, including a [^{F316}health care professional approved by the Secretary of State] who has provided a report following an examination required by the Secretary of State under section 19.

Textual Amendments

F315 Words in reg. 12(2) substituted (3.7.2007) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2007 \(S.I. 2007/1626\)](#), regs. 1, **4(2)(a)**

F316 Words in reg. 12(3)(b) substituted (3.7.2007) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2007 \(S.I. 2007/1626\)](#), regs. 1, **4(2)(b)**

[^{F317}Recrudescence of a prescribed disease

12A.—(1) This regulation applies to a decision made under sections 108 to 110 of the Contributions and Benefits Act where a disease is subsequently treated as a recrudescence under regulation 7 of the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985.

(2) Where this regulation applies Chapter II of Part I of the Act shall apply as if section 8(2) did not apply.]

Textual Amendments

F317 Reg. 12A inserted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **19**

Income support and social fund determinations on incomplete evidence

13.—(1) Where, for the purpose of a decision under section 8 or 10—

[^{F318}(a) a determination falls to be made by the Secretary of State as to what housing costs are to be included in—

- (i) a claimant's applicable amount by virtue of regulation 17(1)(e) or 18(1)(f) of, and Schedule 3 to, the Income Support Regulations; ^{F319} ...
- (ii) a claimant's appropriate minimum guarantee by virtue of regulation 6(6)(c) and Schedule II to the State Pension Credit Regulations] ; [^{F320}or
- (iii) a claimant's applicable amount under regulation 67(1)(c) or 68(1)(d) of the Employment and Support Allowance Regulations ; and]

(b) it appears to the Secretary of State that he is not in possession of all of the evidence or information which is relevant for the purposes of such a determination,

he shall make the determination on the assumption that the housing costs to be included in the claimant's [^{F318}applicable amount or, as the case may be, appropriate minimum guarantee are those] that can be immediately determined.

(2) Where, for the purpose of a decision under section 8 or 10—

(a) a determination falls to be made by the Secretary of State as to whether—

- (i) in relation to any person, the applicable amount falls to be reduced or disregarded to any extent by virtue of section 126(3) of the Contributions and Benefits Act (persons affected by trade disputes);

- (ii) for the purposes of regulation 12 of the Income Support Regulations, a person is by virtue of that regulation to be treated as receiving relevant education; ^{F321} ...
 - (iii) in relation to any claimant, the applicable amount includes severe disability premium by virtue of regulation 17(1)(d) or 18(1)(e), and paragraph 13 of Schedule 2 to, the Income Support Regulations; [^{F322}or
 - (iv) in relation to any claimant, the applicable amount includes the severe disability premium by virtue of regulation 67(1) or 68(1) of, and paragraph 6 of Schedule 4 to, the Employment and Support Allowance Regulations ; and]
- (b) it appears to the Secretary of State that he is not in possession of all of the evidence or information which is relevant for the purposes of such a determination,
- he shall make the determination on the assumption that the relevant evidence or information which is not in his possession is adverse to the claimant.

[^{F323}(3) Where, for the purposes of a decision under section 8 or 10—

- (a) a determination falls to be made by the Secretary of State as to whether a claimant's appropriate minimum guarantee includes an additional amount in accordance with regulation 6(4) of, and paragraph 1 of Schedule I to, the State Pension Credit Regulations ; and
- (b) it appears to the Secretary of State that he is not in possession of all the evidence or information which is relevant for the purpose of such a determination,

he shall make the determination on the assumption that the relevant evidence or information which is not in his possession is adverse to the claimant.]

Textual Amendments

- F318** Reg. 13(1)(a) and words in reg. 13(1) substituted (7.4.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **19(a)**
- F319** Word in reg. 13(1)(a)(i) omitted (27.7.2008) by virtue of [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **38(a)(i)**
- F320** Reg. 13(1)(a)(iii) and word substituted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **38(a)(ii)**
- F321** Word in reg. 13(2)(a)(ii) omitted (27.7.2008) by virtue of [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **38(b)(i)**
- F322** Reg. 13(2)(a)(iv) and word substituted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **38(b)(ii)**
- F323** Reg. 13(3) added (7.4.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **19(b)**

[^{F324}Retirement pension after period of deferment

13A.—(1) This regulation applies where—

- (a) a person claims a Category A or Category B retirement pension, shared additional pension or, as the case may be, graduated retirement benefit;
- (b) an election is required by, as the case may be—
 - (i) paragraph A1 or 3C of Schedule 5 to the Contributions and Benefits Act (pension increase or lump sum where entitlement to retirement pension is deferred);
 - (ii) paragraph 1 of Schedule 5A to that Act (pension increase or lump sum where entitlement to shared additional pension is deferred); or, as the case may be,

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(iii) paragraph 12 or 17 of Schedule 1 to the Graduated Retirement Benefit Regulations (further provisions replacing section 36(4) of the National Insurance Act 1965: increases of graduated retirement benefit and lump sums); and

(c) no election is made when the claim is made.

(2) In the circumstances specified in paragraph (1) the Secretary of State may decide the claim before any election is made, or is treated as made, for an increase or lump sum.

(3) When an election is made, or is treated as made, the Secretary of State shall revise the decision which he made in pursuance of paragraph (2).]

Textual Amendments

F324 Reg. 13A inserted (6.4.2006) by [Social Security \(Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit\) \(Miscellaneous Provisions\) Regulations 2005 \(S.I. 2005/2677\)](#), regs. 1(1), **9(6)**

Effect of alteration in the component rates of income support and jobseeker's allowance

14.—(1) Section 159 of the Administration Act (effect of alteration in the component rates of income support) shall not apply to any award of income support in force in favour of a person where there is applicable to that person—

- (a) any amount determined in accordance with regulation 17(2) to (7) of the Income Support Regulations; or
- (b) any protected sum determined in accordance with Schedule 3A or 3B of those Regulations ^{M9}; or
- (c) any transitional addition, personal expenses addition or special transitional addition applicable under Part II of the Income Support (Transitional) Regulations 1987 ^{M10} (transitional protection).

(2) Where section 159 of the Administration Act does not apply to an award of income support by virtue of paragraph (1), a decision under section 10 may be made in respect of that award for the sole purpose of giving effect to any change made by an order under section 150 of the Administration Act.

(3) Section 159A of the Administration Act ^{M11} (effect of alterations in the component rates of jobseeker's allowance) shall not apply to any award of a jobseeker's allowance in force in favour of a person where there is applicable to that person any amount determined in accordance with regulation 87 of the Jobseeker's Allowance Regulations.

(4) Where section 159A of the Administration Act does not apply to an award of a jobseeker's allowance by virtue of paragraph (3), a decision under section 10 may be made in respect of that award for the sole purpose of giving effect to any change made by an order under section 150 of the Administration Act.

[^{F325}(5) Section 159B of the Administration Act (effect of alterations affecting state pension credit) shall not apply to any award of state pension credit in favour of a person where in relation to that person the appropriate minimum guarantee includes an amount determined under paragraph 6 of Part III of Schedule I to the State Pension Credit Regulations .

(6) Where section 159B of the Administration Act does not apply to an award of state pension credit by virtue of paragraph (5), a decision under section 10 may be made in respect of that award for the sole purpose of giving effect to any change made to an award under section 150 of the Administration Act.]

Textual Amendments

F325 Reg. 14(5)(6) added (7.4.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **20**

Marginal Citations

M9 Schedule 3A was inserted by [S.I. 1988/1445](#); Schedule 3B was inserted by [S.I. 1989/534](#).

M10 [S.I. 1987/1969](#).

M11 Section 159A was inserted by section 24 of the [Jobseekers Act 1995 \(c.18\)](#).

[^{F326}Termination of award of income support]^{F327}, jobseeker's allowance or employment and support allowance]

14A.—(1) This regulation applies in a case where an award of income support^{F328}, a jobseeker's allowance or an employment and support allowance] (“the existing benefit”) exists in favour of a person and, if that award did not exist and a claim was made by that person or his partner for [^{F329}an employment and support allowance,] a jobseeker's allowance or, as the case may be, income support (“the alternative benefit”), an award of the alternative benefit would be made on that claim.

(2) In a case to which this regulation applies, if a claim for the alternative benefit is made the Secretary of State may bring to an end the award of the existing benefit if he is satisfied that an award of the alternative benefit will be made on that claim.

(3) Where, under paragraph (2), the Secretary of State brings an award of the existing benefit to an end he shall do so with effect from the day immediately preceding the first day on which an award of the alternative benefit takes effect.

(4) Where an award of a jobseeker's allowance is made in accordance with the provisions of this regulation, paragraph 4 of Schedule 1 to the Jobseekers Act (waiting days) shall not apply.]

[^{F330}(5) Where an award of an employment and support allowance is made in accordance with the provisions of this regulation, paragraph 2 of Schedule 2 to the Welfare Reform Act (waiting days) shall not apply.]

Textual Amendments

F326 Reg. 14A inserted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#), regs. 1(1), **6**

F327 Words in reg. 14A heading substituted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **39(2)**

F328 Words in reg. 14A(1) substituted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **39(3)(a)**

F329 Words in reg. 14A(1) inserted (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **39(3)(b)**

F330 Reg. 14A(5) added (27.7.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **39(4)**

Jobseeker's allowance determinations on incomplete evidence

15. Where, for the purpose of a decision under section 8 or 10—

(a) a determination falls to be made by the Secretary of State as to whether—

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- (i) in relation to any person, the applicable amount falls to be reduced or disregarded to any extent by virtue of section 15 of the Jobseekers Act (persons affected by trade disputes); or
 - (ii) for the purposes of regulation 54(2) to (4) of the Jobseeker's Allowance Regulations (relevant education), a person is by virtue of that regulation, to be treated as receiving relevant education; and
- (b) it appears to the Secretary of State that he is not in possession of all of the evidence or information which is relevant for the purposes of such a determination,

he shall make the determination on the assumption that the relevant evidence or information which is not in his possession is adverse to the claimant.

^{F331} Provision of information

15A.—^{F332}(1) Where the ^{F333}Secretary of State] has received an application under section 16 or 17 of the Child Support Act in connection with a previously determined variation which has effect on the maintenance calculation in force, ^{F333}the Secretary of State] may request further information or evidence from the applicant to enable a decision on that application to be made and any such information or evidence shall be provided within one month of the date of notification of the request, or such longer period as the ^{F333}Secretary of State] is satisfied is reasonable in the circumstances of the case.

(2) Where any information or evidence requested in accordance with paragraph (1) is not provided within the time limit specified in that paragraph, the ^{F333}Secretary of State] may, where ^{F333}the Secretary of State] is able to do so, proceed to make the decision in the absence of that information or evidence.]

Textual Amendments

- F331** Regs. 15A-15D inserted (3.3.2003 for specified purposes and with effect in accordance with reg. 1(1) (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **10** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F332** Reg. 15A omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**
- F333** Words in reg. 15A substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(7)**

Procedure in relation to an application made under section 16 or 17 of the Child Support Act in connection with a previously determined variation

15B.—^{F334}(1) Subject to paragraph (3), where the ^{F335}Secretary of State] has received an application under section 16 or 17 of the Child Support Act in connection with a previously determined variation which has effect on the maintenance calculation in force, ^{F335}the Secretary of State]—

- (a) shall give notice of the application to the relevant persons, other than the applicant, informing them of the grounds on which the application has been made and any relevant information or evidence the applicant has given, except information or evidence falling within paragraph (2);

- (b) may invite representations, which need not be in writing but shall be in writing if in any case [F335the Secretary of State] so directs, from the relevant persons other than the applicant on any matter relating to that application, to be submitted to the [F335Secretary of State] within 14 days of notification or such longer period as the [F335Secretary of State] is satisfied is reasonable in the circumstances of the case; and
 - (c) shall set out the provisions of paragraphs (2)(b) and (c), (4) and (5) in relation to such representations.
- (2) The information or evidence referred to in paragraphs (1)(a), (4)(a) and (7), is—
- (a) details of the nature of the long-term illness or disability of the relevant other child which forms the basis of a variation application on the ground in regulation 11 of the Variations Regulations (special expenses — illness or disability of relevant other child) where the applicant requests they should not be disclosed and the [F336Secretary of State] is satisfied that disclosure is not necessary in order to be able to determine the application;
 - (b) medical evidence or medical advice which has not been disclosed to the applicant or a relevant person and which the [F336Secretary of State] considers would be harmful to the health of the applicant or that relevant person if disclosed to him;
 - (c) the address of a relevant person or qualifying child, or any other information which could reasonably be expected to lead to that person or child being located, where the [F336Secretary of State] considers that there would be a risk of harm or undue distress to that person or that child or any other children living with that person if the address or information were disclosed.
- (3) The [F337Secretary of State] need not act in accordance with paragraph (1) if—
- (a) [F338satisfied on the information or evidence available that a variation of the maintenance calculation in force will not be agreed], but if, on further consideration [F339the Secretary of State] is minded to do so [F339the Secretary of State] shall, before doing so, comply with the provisions of this regulation; and
 - (b) were the application to succeed, the decision as revised or superseded would be less advantageous to the applicant than the decision before it was so revised or superseded.
- (4) Where the [F340Secretary of State] receives representations from the relevant persons [F341the Secretary of State]—
- (a) may, if [F342the Secretary of State] considers it reasonable to do so, send a copy of the representations concerned (excluding material falling within paragraph (2) above) to the applicant and invite any comments [F343to be provided] within 14 days or such longer period as the [F340Secretary of State] is satisfied is reasonable in the circumstances of the case; and
 - (b) where the [F340Secretary of State] acts under sub-paragraph (a), shall not proceed to make a decision in response to the application until [F344the Secretary of State] has received such comments or the period referred to in sub-paragraph (a) has expired.
- (5) Where the [F345Secretary of State] has not received representations from the relevant persons notified in accordance with paragraph (1) within the time limit specified in sub-paragraph (b) of that paragraph, [F345the Secretary of State] may proceed to make a decision under section 16 or 17 of the Child Support Act in response to the application, in their absence.
- (6) In considering an application for a revision or supersession the [F345Secretary of State] shall take into account any representations received at the date upon which [F345the Secretary of State] makes a decision under section 16 or 17 of the Child Support Act, from the relevant persons including

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any representations received in connection with the application in accordance with paragraphs (1) (b), (4)(a) and (7).

(7) Where any information or evidence requested by the [^{F346}Secretary of State] under regulation 15A is received after notification has been given under paragraph (1), [^{F346}the Secretary of State] may, if [^{F346}the Secretary of State] considers it reasonable to do so and except where such information or evidence falls within paragraph (2), send a copy of such information or evidence to the relevant persons and may invite them to submit representations, which need not be in writing unless the [^{F346}Secretary of State] so directs in any particular case, on that information or evidence.

(8) Where the [^{F347}Secretary of State] is considering making a decision under section 16 or 17 of the Child Support Act in accordance with this regulation, [^{F347}the Secretary of State] shall apply the factors to be taken into account for the purposes of section 28F of the Child Support Act set out in regulation 21 of the Variations Regulations (factors to be taken into account and not to be taken into account) as factors to be taken into account and not to be taken into account when considering making a decision under this regulation.

(9) In this regulation “relevant person” means—

- (a) a non-resident parent, or a person treated as a non-resident parent under regulation 8 of the Maintenance Calculations and Special Cases Regulations (persons treated as non-resident parents), whose liability to pay child support maintenance may be affected by any variation agreed;
- (b) a person with care, or a child to whom section 7 of the Child Support Act applies, where the amount of child support maintenance payable by virtue of a calculation relevant to that person with care or in respect of that child may be affected by any variation agreed.]

Textual Amendments

- F331** Regs. 15A-15D inserted (3.3.2003 for specified purposes and with effect in accordance with reg. 1(1) (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **10** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F334** Reg. 15B omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**
- F335** Words in reg. 15B(1) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(8)(a)**
- F336** Words in reg. 15B(2) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(8)(b)**
- F337** Words in reg. 15B(3) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(8)(c)(i)**
- F338** Words in reg. 15B(3)(a) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. paras. 113(8)(c)(ii)(aa)**
- F339** Words in reg. 15B(3)(a) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. paras. 113(8)(c)(ii)(bb)**
- F340** Words in reg. 15B(4) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(8)(d)(i)**

- F341** Words in reg. 15B(4) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 113\(8\)\(d\)\(ii\)](#)
- F342** Words in reg. 15B(4)(a) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. paras. 113\(8\)\(d\)\(iii\)\(aa\)](#)
- F343** Words in reg. 15B(4)(a) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. paras. 113\(8\)\(d\)\(iii\)\(bb\)](#)
- F344** Words in reg. 15B(4)(b) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 113\(8\)\(d\)\(iv\)](#)
- F345** Words in reg. 15B(5)(6) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 113\(8\)\(e\)](#)
- F346** Words in reg. 15B(7) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 113\(8\)\(f\)](#)
- F347** Words in reg. 15B(8) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 113\(8\)\(g\)](#)

Notification of a decision made under section 16 or 17 of the Child Support Act

15C.—^{F348}(1) Subject to paragraphs (2) and (5) to (11), a notification of a decision made following the revision or supersession of a decision made under section 11, 12 or 17 of the Child Support Act, whether as originally made or as revised under section 16 of that Act, shall set out, in relation to the decision in question—

- (a) the effective date of the maintenance calculation;
- (b) where relevant, the non-resident parent's net weekly income;
- (c) the number of qualifying children;
- (d) the number of relevant other children;
- (e) the weekly rate;
- (f) the amounts calculated in accordance with Part I of Schedule 1 to the Child Support Act and, where there has been agreement to a variation or a variation has otherwise been taken into account, the Variations Regulations;
- (g) where the weekly rate is adjusted by apportionment or shared care or both, the amount calculated in accordance with paragraph 6, 7 or 8, as the case may be, of Part I of Schedule 1 to the Child Support Act; and
- (h) where the amount of child support maintenance which the non-resident parent is liable to pay is decreased in accordance with regulation 9 of the Maintenance Calculations and Special Cases Regulations (care provided in part by local authority) or 11 (non-resident parent liable to pay maintenance under a maintenance order) of those Regulations, the adjustment calculated in accordance with that regulation.

(2) A notification of a revision or supersession of a maintenance calculation made under section 12(1) of the Child Support Act shall set out the effective date of the maintenance calculation, the default rate, the number of qualifying children on which the rate is based and whether any apportionment has been applied under regulation 7 of the Maintenance Calculation Procedure

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Regulations (default rate) and shall state the nature of the information required to enable a decision under section 11 of that Act to be made by way of section 16 of that Act.

(3) Except where a person gives written permission to the [^{F349}Secretary of State] that the information in relation to him, mentioned in sub-paragraphs (a) and (b), may be conveyed to other persons, any document given or sent under the provisions of paragraph (1) or (2) shall not contain—

- (a) the address of any person other than the recipient of the document in question (other than the address of the office of the officer concerned who is exercising functions of the [^{F349}Secretary of State] under the Child Support Act) or any other information the use of which could reasonably be expected to lead to any such person being located;
- (b) any other information the use of which could reasonably be expected to lead to any person, other than a qualifying child or a relevant person, being identified.

(4) Where a decision as to the revision or supersession of a decision made under section 11, 12 or 17 of the Child Support Act, whether as originally made or as revised under section 16 of that Act, is made under section 16 or 17 of that Act, a notification under paragraph (1) or (2) shall include information as to the provisions of sections 16, 17 and 20 of that Act.

(5) Where the [^{F350}Secretary of State] makes a decision that a maintenance calculation shall cease to have effect—

- (a) [^{F350}the Secretary of State] shall immediately notify the non-resident parent and person with care, so far as that is reasonably practicable;
- (b) where a decision has been superseded in a case where a child under section 7 of the Child Support Act ceases to be a child for the purposes of that Act, [^{F350}the Secretary of State] shall immediately notify the persons in sub-paragraph (a) and the other qualifying children within the meaning of section 7 of that Act; and
- (c) any notice under sub-paragraphs (a) and (b) shall specify the date with effect from which that decision took effect.

(6) [^{F351}Where the [^{F352}Commission], under the provisions of section 16 or 17 of the Child Support Act, has made a decision that an adjustment shall cease, or adjusted the amount payable under a maintenance calculation, [^{F352}it] shall immediately notify the relevant persons, so far as that is reasonably practicable, that the adjustment has ceased or of the amount and period of the adjustment, and the amount payable during the period of the adjustment.]

(7) [^{F351}Where the [^{F352}Commission] has made a decision under section 16 of the Child Support Act, revising a decision under section 41A or 47 of that Act, [^{F352}it] shall immediately notify the relevant persons so far as that is reasonably practicable, of the amount of child support maintenance payable, the amount of arrears, the amount of the penalty payment or fees to be paid, as the case may be, the method of payment and the day by which payment is to be made.]

(8) [^{F351}Where the non-resident parent appeals against a decision made by the [^{F352}Commission] under section 41A or 47 of the Child Support Act and the [^{F352}Commission] makes a decision under section 16 of that Act, before the appeal is decided [^{F352}it] shall notify the relevant persons, so far as that is reasonably practicable of either the new amount of the penalty payment or the fee to be paid or that the amount is no longer payable, the method of payment and the day by which payment is to be made.]

(9) Paragraphs (1) to (3) shall not apply where the [^{F353}Secretary of State] has decided not to supersede a decision under section 17 of the Child Support Act, and [^{F353}the Secretary of State] shall, so far as that is reasonably practicable, notify the relevant persons of that decision.

(10) A notification under paragraphs (6) to (9) shall include information as to the provisions of sections 16, 17 and 20 of the Child Support Act.

(11) Where paragraph (9) applies, and the [^{F354}Secretary of State] decides not to supersede under regulation 6B, [^{F354}the Secretary of State] shall notify the relevant person, in relation to the decision in question of—

- (a) the fact that regulation 6B applies to the decision;
- (b) the non-resident parent's net income figure fixed for the purposes of the maintenance calculation in force in accordance with Part I of Schedule 1 to the Child Support Act;
- (c) the non-resident parent's net income figure provided by that parent to the [^{F354}Secretary of State] with the application for supersession under regulation 6A(3);
- (d) the decision of the [^{F354}Secretary of State] not to supersede; and
- (e) the right to appeal against the decision under section 20 of the Child Support Act.

(12) Where an appeal lapses in accordance with section 16(6) or 28F(5) of the Child Support Act, the [^{F355}Secretary of State] shall, so far as that is reasonably practicable, notify the relevant persons that the appeal has lapsed.]

Textual Amendments

- F331** Regs. 15A-15D inserted (3.3.2003 for specified purposes and with effect in accordance with reg. 1(1) (2) of the amending S.I.) by *The Child Support (Decisions and Appeals) (Amendment) Regulations 2000 (S.I. 2000/3185)*, reg. 1(1)(2), **10** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F348** Reg. 15C omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of *The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785)*, regs. 1(4), **6(3)**
- F349** Words in reg. 15C(3) substituted (1.8.2012) by *The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007)*, art. 1(2), **Sch. para. 113(9)(a)**
- F350** Words in reg. 15C(5) substituted (1.8.2012) by *The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007)*, art. 1(2), **Sch. para. 113(9)(b)**
- F351** Regs. 15C(6)-(8) omitted (6.4.2009) by virtue of *Child Support (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/396)*, regs. 1, **4(10)(b)** (with reg. 7)
- F352** Words in reg. 15C substituted (6.4.2009) by *Child Support (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/396)*, regs. 1, **4(10)(a)** (with reg. 7)
- F353** Words in reg. 15C(9) substituted (1.8.2012) by *The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007)*, art. 1(2), **Sch. para. 113(9)(b)**
- F354** Words in reg. 15C(11) substituted (1.8.2012) by *The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007)*, art. 1(2), **Sch. para. 113(9)(b)**
- F355** Words in reg. 15C(12) substituted (1.8.2012) by *The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007)*, art. 1(2), **Sch. para. 113(9)(c)**

Procedure in relation to the adjustment of the amount payable under a maintenance calculation

15D.—^{F356}(1) Where the Secretary of State has adjusted the amount payable under a maintenance calculation under the provisions of regulation 10(1) and (3A) of the Arrears, Interest and Adjustment of Maintenance Assessments Regulations and that maintenance calculation is subsequently replaced by a fresh maintenance calculation made by virtue of a revision under section 16 of the Child Support

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Act or of a decision under section 17 of that Act superseding an earlier decision, that adjustment shall, subject to paragraph (2), continue to apply to the amount payable under that fresh maintenance calculation unless the Secretary of State is satisfied that such adjustment would not be appropriate in all the circumstances of the case.

(2) Where the Secretary of State is satisfied that the adjustment referred to in paragraph (1) would not be appropriate, he may make a decision under section 17 of the Child Support Act, superseding an earlier decision making an adjustment, and—

(a) the adjustment shall cease; or

(b) he may adjust the amount payable under that fresh maintenance calculation,

as he sees fit, having regard to the matters specified in regulation 10(1)(b)(i) to (iii) of the Arrears, Interest and Adjustment of Maintenance Assessments Regulations.]]

Textual Amendments

F331 Regs. 15A-15D inserted (3.3.2003 for specified purposes and with effect in accordance with reg. 1(1) (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **10** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)

F356 Reg. 15D omitted (6.4.2009) by virtue of [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(11)** (with reg. 7)

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Changes to legislation:

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