
STATUTORY INSTRUMENTS

1999 No. 991

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

PART IV

RIGHTS OF APPEAL AND PROCEDURE FOR BRINGING APPEALS

CHAPTER I

GENERAL

GENERAL APPEALS MATTERS NOT INCLUDING CHILD SUPPORT APPEALS

Other persons with a right of appeal

25. For the purposes of section 12(2)(b), the following other persons have a right to appeal to an appeal tribunal—

- (a) any person appointed by the Secretary of State under regulation 33(1) of the Claims and Payments Regulations (persons unable to act) to act on behalf of another;
- (b) any person claiming attendance allowance or disability living allowance on behalf of another under section 66(2)(b) of the Contributions and Benefits Act or, as the case may be, section 76(3) of that Act (claims on behalf of terminally ill persons);
- (c) in relation to a pension scheme, any person who, for the purposes of Part X of the Pension Schemes Act 1993(1), is an employer, member, trustee or manager by virtue of section 146(8) of that Act.

Decisions against which an appeal lies

26. An appeal shall lie to an appeal tribunal against a decision made by the Secretary of State—

- (a) as to whether a person is entitled to a relevant benefit for which no claim is required by virtue of regulation 3 of the Claims and Payments Regulations(2); or
- (b) as to whether a payment be made out of the social fund to a person to meet expenses for heating by virtue of regulations made under section 138(2) of the Contributions and Benefits Act (payments out of the social fund).

Decisions against which no appeal lies

27.—(1) No appeal lies to an appeal tribunal against a decision set out in Schedule 2.

(2) In paragraph (1) and Schedule 2, “decision” includes determinations embodied in or necessary to a decision.

(1) 1993 c. 48.

(2) The relevant amending instruments are S.I.1989/136, S.I. 1994/2943 and S.I. 1996/1460.

(3) An appeal made against a decision specified in paragraph (1) may be struck out in accordance with regulation 46.

Notice of decision against which appeal lies

28.—(1) A person with a right of appeal under the Act or these Regulations against any decision of the Secretary of State shall—

- (a) be given written notice of the decision against which the appeal lies;
- (b) be informed that, in a case where that written notice does not include a statement of the reasons for that decision, he may, within one month of the date of notification of that decision, request that the Secretary of State provide him with a written statement of the reasons for that decision; and
- (c) be given written notice of his right of appeal against that decision.

(2) Where a written statement of the reasons for the decision is not included in the written notice of the decision and is requested under paragraph (1)(b), the Secretary of State shall provide that statement within 14 days of receipt of the request.

Further particulars required relating to certificate of recoverable benefits appeals or applications

29.—(1) An appeal or application under the 1997 Act relating to a certificate of recoverable benefits shall, in addition to any requirements imposed by regulations, include also the following particulars—

- (a) in the case of an appeal, the date of the certificate of recoverable benefits or the decision by the Secretary of State on review against which the appeal is brought, the question under section 11 of the 1997 Act to which the appeal relates and a summary of the arguments relied upon by the appellant to support his contention that the certificate is wrong;
- (b) in the case of an application for an extension of time under regulation 32, in relation to the appeal which it is proposed to bring, the particulars required under sub-paragraph (a) together with particulars of the special circumstances on which the application is based.

(2) Where the appeal or the application for an extension of time is made by a person to whom a compensation payment has been made, a copy of the statement given to that person under section 9 of the 1997 Act or if that statement was not in writing, a written summary of it, shall be sent with that appeal or application.

(3) Where it appears to the Secretary of State that an appeal or application does not contain the further particulars required under paragraph (1) or is not accompanied by a written statement or summary as required under paragraph (2) he may direct the appellant or applicant to provide such particulars or such a statement or summary.

(4) Where paragraph (3) applies, the time specified for making the appeal or application may be extended by such period, not exceeding 14 days from the date of the Secretary of State's direction under paragraph (3), as the Secretary of State may determine.

(5) Where further particulars or a written statement or summary are required under paragraph (3) they shall be sent to or delivered to the Compensation Recovery Unit of the Department of Social Security at Reyrolle Building, Hebburn, Tyne and Wear, NE31 1XB within such period as the Secretary of State may direct.

(6) The Secretary of State may treat any appeal relating to the certificate of recoverable benefits as an application for review under section 10 of the 1997 Act.

