

SCHEDULES

SCHEDULE 11

Section 102

POWER TO REQUIRE CONSIDERATION OF REVISION BEFORE APPEAL

Vaccine Damage Payments Act 1979 (c. 17)

- 1 The Vaccine Damage Payments Act 1979 is amended as follows.
- 2 (1) Section 4 (appeals to appeal tribunals) is amended as follows.
 - (2) After subsection (1A) there is inserted—
 - “(1B) If the claimant’s address is not in Northern Ireland, regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal only if the Secretary of State has considered whether to reverse the decision under section 3A.
 - (1C) The regulations may in particular provide that that condition is met only where—
 - (a) the consideration by the Secretary of State was on an application,
 - (b) the Secretary of State considered issues of a specified description, or
 - (c) the consideration by the Secretary of State satisfied any other condition specified in the regulations.”
 - (3) At the end of subsection (2) there is inserted—
 - “(c) provision that, where in accordance with regulations under subsection (1B) there is no right of appeal against a decision, any purported appeal may be treated as an application to reverse the decision under section 3A.”
- 3 (1) Section 8 (regulations) is amended as follows.
 - (2) In subsection (2)(a) the words from “which shall be” to “House of Parliament” are repealed.
 - (3) After that subsection there is inserted—
 - “(2A) A statutory instrument containing regulations made by the Secretary of State under this Act—
 - (a) except in the case of an instrument containing regulations under section 4(1B), is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) in the case of an instrument containing regulations under section 4(1B), may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
 - (4) At the end there is inserted—

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- “(5) The power to make regulations under section 4(1B) may be exercised—
- (a) in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which it extends or any lesser provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases, different provision for different cases or classes of case or different provision as respects the same case or class of case but for different purposes of this Act;
 - (iii) provision which is either unconditional or is subject to any specified condition.”

Child Support Act 1991 (c. 48)

- 4 The Child Support Act 1991 is amended as follows.
- 5 (1) Section 20 (appeals to First-tier Tribunal), as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000 (and subsequently amended), is amended as follows.
- (2) After subsection (2) there is inserted—
- “(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision mentioned in subsection (1)(a) or (b) only if the Commission has considered whether to revise the decision under section 16.
- (2B) The regulations may in particular provide that that condition is met only where—
- (a) the consideration by the Commission was on an application,
 - (b) the Commission considered issues of a specified description, or
 - (c) the consideration by the Commission satisfied any other condition specified in the regulations.”
- (3) At the end of subsection (4) there is inserted—
- “(c) provision that, where in accordance with regulations under subsection (2A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under section 16.”
- 6 (1) Section 20 (appeals to First-tier Tribunal), as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000, is amended as follows.
- (2) After subsection (3) there is inserted—
- “(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision only if the Commission has considered whether to revise the decision under section 16.
- (3B) The regulations may in particular provide that that condition is met only where—

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- (a) the consideration by the Commission was on an application,
 - (b) the Commission considered issues of a specified description, or
 - (c) the consideration by the Commission satisfied any other condition specified in the regulations.”
- (3) At the end of subsection (5) there is inserted—
- “(c) provision that, where in accordance with regulations under subsection (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under section 16.”
- 7 In section 51A (pilot schemes) at the end there is inserted—
- “(6) This section does not apply to regulations under—
 - (a) subsection (2A) of section 20 as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000;
 - (b) subsection (3A) of section 20 as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000.”
- 8 In section 52 (regulations and orders), in subsection (2)(a), after “section 12(5)(b),” there is inserted “20(2A), 20(3A)“ .

Social Security (Recovery of Benefits) Act 1997 (c. 27)

- 9 The Social Security (Recovery of Benefits) Act 1997 is amended as follows.
- 10 (1) Section 11 (appeals against certificates) is amended as follows.
- (2) After subsection (2) there is inserted—
- “(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, an appeal may be made under this section only if the Secretary of State has reviewed the certificate under section 10.
 - (2B) The regulations may in particular provide that that condition is met only where—
 - (a) the review by the Secretary of State was on an application,
 - (b) the Secretary of State considered issues of a specified description, or
 - (c) the review by the Secretary of State satisfied any other condition specified in the regulations.”
- (3) In subsection (5)(c) after “any such appeal“ there is inserted “(or, where in accordance with regulations under subsection (2A) there is no right of appeal, any purported appeal)”.
- 11 (1) Section 30 of that Act (regulations and orders) is amended as follows.
- (2) In subsection (2) after “regulations under section” there is inserted “11(2A) or”.
- (3) After that subsection there is inserted—
- “(2A) A statutory instrument containing regulations under section 11(2A) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

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Child Support, Pensions and Social Security Act 2000 (c. 19)

- 12 Schedule 7 to the Child Support, Pensions and Social Security Act 2000 is amended as follows.
- 13 (1) Paragraph 6 (housing benefit and council tax benefit: appeal to First-tier Tribunal) is amended as follows.
- (2) In sub-paragraph (4), after paragraph (b) there is inserted—
- “or where regulations under sub-paragraph (5A) so provide.”
- (3) After sub-paragraph (5) there is inserted—
- “(5A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal in relation to a decision only if the relevant authority which made the decision has considered whether to revise the decision under paragraph 3.
- (5B) The regulations may in particular provide that that condition is met only where—
- (a) the consideration by the relevant authority was on an application,
- (b) the relevant authority considered issues of a specified description, or
- (c) the consideration by the relevant authority satisfied any other condition specified in the regulations.”
- (4) In sub-paragraph (8)—
- (a) the words from “make provision” to the end become paragraph (a);
- (b) after that paragraph there is inserted—
- “(b) provide that, where in accordance with regulations under sub-paragraph (5A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under paragraph 3.”
- 14 In paragraph 20(4) (regulations subject to affirmative procedure) for “or (4)” there is substituted “, (4) or (5A)”.

Child Maintenance and Other Payments Act 2008 (c. 6)

- 15 The Child Maintenance and Other Payments Act 2008 is amended as follows.
- 16 In section 49(2) (regulations regarding reconsideration) after “and” there is inserted “may prescribe”.
- 17 (1) Section 50 (appeals to First-tier Tribunal) is amended as follows.
- (2) After subsection (1) there is inserted—
- “(1A) Regulations may provide that, in such cases or circumstances as may be prescribed, a person may appeal against a determination made on a claim only if the Secretary of State has decided whether to reconsider the determination under section 49.
- (1B) The regulations may in particular provide that that condition is met only where—
- (a) the decision of the Secretary of State was on an application,

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- (b) the Secretary of State considered issues of a specified description, or
 - (c) the decision of the Secretary of State satisfied any other condition specified in the regulations.”
 - (3) In subsection (4)(c) after “an appeal under subsection (1)(a)” there is inserted “(or, where in accordance with regulations under subsection (1A) there is no right of appeal, any purported appeal)”.
- 18 (1) Section 53 (regulations under Part 4) is amended as follows.
- (2) After subsection (2) there is inserted—
 - “(2A) The power to make regulations under section 50(1A) may be exercised—
 - (a) in relation to all cases to which it extends, in relation to those cases but subject to specified exceptions or in relation to any specified cases or classes of case;
 - (b) so as to make, as respects the cases in relation to which it is exercised—
 - (i) the full provision to which it extends or any lesser provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases, different provision for different cases or classes of case or different provision as respects the same case or class of case but for different purposes of this Act;
 - (iii) provision which is either unconditional or is subject to any specified condition.”
- (3) In subsection (3) after “section 46” there is inserted “or 50(1A)”.