
STATUTORY INSTRUMENTS

1999 No. 991

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

PART II E+W+S

**^{F1}REVISIONS, SUPERSESSIONS AND OTHER MATTERS
SOCIAL SECURITY [^{F1}AND CHILD SUPPORT]**

CHAPTER I E+W+S

REVISIONS

Revision of decisions E+W+S

3.—(1) Subject to the following provisions of this regulation, any decision of the Secretary of State [^{F1}or the Board or an officer of the Board] under section 8 or 10 (“the original decision”) may be revised by him [^{F2}or them] if—

- [^{F3}(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 [^{F4}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 [^{F4}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.]

(2) Where the Secretary of State [^{F1}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 [^{F5}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 [^{F1}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 [^{F6}an officer of the Board] where it contains an error.

[^{F7}(4A) Where there is an appeal against an original decision (within the meaning of paragraph (1)) within the time prescribed [^{F8}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 [^{F9}Secretary of State [^{F9}Board or an officer of the Board]] under section 8 or 10—

- (a) [^{F10}except where paragraph (5ZA) applies] which arose from an official error; or
- (b) [^{F11}which was made in ignorance of, or was based on a mistake as to, some material fact,]
- [^{F13}(c) [^{F14}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 [^{F15}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 [^{F16}, 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,]
- [^{F17}(d) where the decision [^{F18}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 [^{F19}limited capability for work determination,] incapacity or disability determination embodied in or necessary to [^{F20}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 [^{F21}at any time by the Secretary of State. [^{F21}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.]]

[^{F22}(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;
[bereavement support payment under section 30 of the Pensions Act 2014;]

^{F23}(aa)

- (b) contribution-based jobseeker's allowance;
- (c) incapacity benefit;
- (d) retirement pension;
- (e) widowed mother's allowance;
- (f) widowed parent's allowance; ^{F24} ...
- (g) widow's pension; [^{F25}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.]

[^{F26}(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 [^{F27}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.]

[^{F28}(5B) A decision by the Secretary of State under section 8 or 10 awarding incapacity benefit may be revised at any time if—

- (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.]

[^{F29}(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) [^{F30}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.]

[^{F31}(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) ^{F32} ... of the Employment and Support Allowance Regulations; and
- (b) regulation 7(1)(b) of those Regulations applies.]

[^{F33}(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.]

[^{F34}(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.]

[^{F35}(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).]

[^{F36}(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.]

[^{F37}(6A) A relevant decision within the meaning of section 2B(2) [^{F38}or (2A)] of the Administration Act may be revised at any time if it contains an error.]

[^{F39}(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.]

[^{F40}(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 [^{F41}or [^{F42}Scottish disability benefit]] or of an increase in the rate of another relevant benefit [^{F41}or [^{F42}Scottish disability 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.]

[^{F43}(7ZA) Where—

(a) the Secretary of State makes a decision under section 8 or 10 awarding income support[^{F44}, [^{F45}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[^{F46}, regulation 2 of the Jobseeker's Allowance Regulations][^{F47}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^[F48], regulation 83(e) or 86A(c) of the Jobseeker’s Allowance Regulations^[F49] 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^[F50], paragraph 15(4)(a) or 20I(3)(a) of Schedule 1 to the Jobseeker’s Allowance Regulations^[F51], 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.]

^[F52](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.]

^[F53](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 ^[F54]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 ^[F55]the decision which embodies that determination is revised or] he subsequently appeals the decision ^[F56]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.]

^[F57](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.]

^[F58](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^[F59], without showing good cause,] 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.]

^{F60}(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.

^{F61}(7DA) The Secretary of State may revise the state pension credit decision where—

- (a) a person chooses under—
 - (i) section 8(2) of the Pensions Act 2014 (choice of lump sum or survivor's pension under section 9 in certain cases) to be paid a state pension under section 9 of that Act (survivor's pension based on inheritance of deferred old state pension); or
 - (ii) Regulations made under section 10 of the Pensions Act 2014 (inheritance of graduated retirement benefit) which make provision corresponding or similar to section 8(2) to be paid a state pension under Regulations made under section 10 which make provision corresponding or similar to section 9 of that Act;
- (b) the Secretary of State—
 - (i) decides that the person or their partner is entitled to state pension credit; and
 - (ii) takes into account the state pension mentioned in sub-paragraph (a) in making or superseding that decision; and
- (c) the person's choice for a state pension mentioned in sub-paragraph (a) is subsequently altered in favour of a lump sum in accordance with—
 - (i) regulation 6 of the State Pension Regulations 2015 (changing a choice of lump sum or survivor's pension); or
 - (ii) Regulations made under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 6 of the State Pension Regulations 2015.

(7DB) The Secretary of State may revise an award of a state pension under Part 1 of the Pensions Act 2014 where—

- (a) the person makes a choice under—
 - (i) section 8(2) of the Pensions Act 2014; or
 - (ii) Regulations under section 10 of that Act which make provision corresponding or similar to section 8(2); and

- (b) the person subsequently alters their choice in accordance with—
 - (i) regulation 6 of the State Pension Regulations 2015; or
 - (ii) Regulations under section 10 of the Pensions Act 2014 which make provision corresponding or similar to regulation 6 of the State Pension Regulations 2015.]

(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.]

[^{F62}(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.]

[^{F63}(d) a state pension under Part 1 of the Pensions Act 2014.]

[^{F64}(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.]

(8) A decision of the Secretary of State [^{F65}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.

[^{F66}(8A)] [^{F67}.....

[^{F68}(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.]

[^{F69}(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.]

[^{F70}(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.]

[^{F71}(8E) A decision in relation to a claim for a contribution-based jobseeker's allowance or a contributory employment and support allowance may be revised at any time where—

- (a) on or after the date of the decision a contribution is treated as paid as set out in regulation 7A of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 (treatment of Class 2 contributions paid on or before the due date); and
- (b) by virtue of the contribution being so treated, the person satisfies the contribution conditions of entitlement listed in column 2 of the table in paragraph (8G) in relation to a contribution-based jobseeker's allowance or a contributory employment and support allowance.

(8F) A decision to award a benefit listed in column 1 of the table in paragraph (8G) may be revised at any time where, on or after the date of the decision—

- (a) any of the circumstances set out in paragraph (8H) occur; and
- (b) by virtue of the circumstance occurring, the person ceases to satisfy the contribution conditions of entitlement listed in the corresponding entry in column 2 of that table.

(8G) The table referred to in paragraphs (8E) and (8F) is as follows—

1. Benefit	2. Contribution conditions of entitlement
Contribution-based jobseeker's allowance	the conditions set out in section 2(1)(a) and (b) of the Jobseekers Act
Contributory employment and support allowance	the first and second conditions set out in paragraphs 1(1) and 2(1) of Schedule 1 to the Welfare Reform Act

[^{F72} Bereavement support payment under section 30 of the Pensions Act 2014]	[^{F73} the contribution conditions set out in section 31 of the Pensions Act 2014 (bereavement support payment: contribution condition and amendments)]
Widowed parent’s allowance	the contribution conditions set out in paragraph 5(2) and (3) of Schedule 3 to the Contributions and Benefits Act
F74	F74
.
Category A or Category B retirement pension under Part II of the Contributions and Benefits Act	the contribution conditions set out in paragraph 5(2) and (3) or, as the case may be, 5A(2) of Schedule 3 to the Contributions and Benefits Act
State pension under Part 1 of the Pensions Act 2014	the conditions of entitlement to a state pension in section 2(1)(b) or, as the case may be, 2(2)(b) or 4(1)(b) and (c) of the Pensions Act 2014

(8H) The circumstances are—

- (a) a Class 2 contribution is repaid to a person in consequence of an amendment or correction of the person’s relevant profits under section 9ZA or 9ZB of the Taxes Management Act 1970 (amendment or correction of return by taxpayer or officer of the Board); or
- (b) a Class 2 contribution is returned to a person under regulation 52 of the Social Security (Contributions) Regulations 2001 (contributions paid in error); or
- (c) a Class 1 or Class 2 contribution paid by a person to Her Majesty’s Revenue and Customs under section 223 of the Finance Act 2014 (accelerated payment in respect of notice given while tax enquiry is in progress) is repaid to the person.

(8I) A decision to award a benefit specified in paragraph (8K) may be revised at any time where, on or after the date of the decision—

- (a) any of the circumstances set out in paragraph (8H) occur; and
- (b) by virtue of the circumstances occurring, the decision was more advantageous to the claimant than it would otherwise have been.

(8J) A decision to award a benefit specified in paragraph (8K), or a decision that that benefit is not payable, may be revised at any time where, on or after the date of the decision, a contribution is treated as paid by the relevant day by virtue of regulation 7(1) of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 (treatment for the purpose of any contributory benefit of contributions paid under certain provisions relating to the payment and collection of contributions).

(8K) The benefits specified in this paragraph are—

- (a) a bereavement benefit;
- (b) a Category A or Category B retirement pension under Part II of the Contributions and Benefits Act;

(c) a state pension under Part 1 of the Pensions Act 2014.]

[^{F75}(8L) A decision made under section 8 or 10 in relation to maternity allowance may be revised at any time where, by virtue of regulation 7(1) of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 (treatment for the purpose of any contributory benefit of contributions paid under certain provisions relating to the payment and collection of contributions), a contribution is treated as paid on a date which falls on or before the date on which the decision was made.]

[^{F76}(9) Paragraph (1) shall not apply in respect of—

- (a) a relevant change of circumstances which occurred since the decision [^{F77}had effect][^{F78}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; ^{F79}...
- (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;][^{F80} 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 [^{F81}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 [^{F82}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][^{F83}; 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 [^{F84}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][^{F85}; 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]; [^{F86}or]

[^{F87}(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.]

[^{F88}(12) In this regulation—

“relevant day” has the meaning given in regulation 7(3)(b) of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001;

“relevant profits” has the meaning given in section 11(3) of the Contributions and Benefits Act;]

Textual Amendments

- F1 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)**
- F2 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)**
- F3 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)**
- F4 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)**
- F5 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)**
- F6 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)**
- F7 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)**
- F8 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)**
- F9 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)**
- F10 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)**
- F11 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)**
- F12 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)**
- F13 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)**
- F14 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)**
- F15 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)**
- F16 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)**
- F17 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)**
- F18 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)**
- F19 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)**

- 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)(iii)**
- F21** 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)**
- F22** 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)**
- F23** Reg. 3(5ZB)(aa) inserted (6.4.2017 coming into force in accordance with art. 1-3) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422), arts. 1(2), **15(3)(a)**
- F24** 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)**
- F25** 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)**
- F26** 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)**
- F27** 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)**
- F28** Reg. 3(5B) inserted (24.9.2007) by Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **3(5)**
- F29** 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)**
- F30** 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)**
- F31** 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)**
- F32** 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**
- F33** 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)**
- F34** 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**
- F35** 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)**
- F36** Reg. 3(6) substituted (22.10.2012) by The Jobseekers Allowance (Sanctions) (Amendment) Regulations 2012 (S.I. 2012/2568), regs. 1(1), **6(2)**
- F37** 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))
- F38** 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)**
- F39** 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)**
- F40** 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)**
- F41** Words in reg. 3(7)(b) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), arts. 1(2), **6(3)**
- F42** Words in reg. 3(7)(b) substituted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **6(3)**
- F43** 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)**
- F44** 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)**

- F45** 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)**
- F46** 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)**
- F47** 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)**
- F48** 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)**
- F49** 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)**
- F50** 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)**
- F51** 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)**
- F52** 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)**
- F53** 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)**
- F54** 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)**
- F55** 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)**
- F56** 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)**
- F57** 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)**
- F58** 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)**
- F59** Words in reg. 3(7CD) inserted (16.11.2017) by The Social Security (Miscellaneous Amendments No. 4) Regulations 2017 (S.I. 2017/1015), regs. 1(2), **9**
- F60** 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)**
- F61** Reg. 3(7DA)(7DB) inserted (6.4.2016 coming into force in accordance with art. 1(2)(b)) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **18(3)**
- F62** 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)**
- F63** Reg. 3(7EB)(d) inserted (6.4.2016 coming into force in accordance with art. 1(2)(b)) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **18(4)**
- F64** 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)**
- F65** 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)**
- F66** 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)**
- F67** 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)**
- F68** 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)**

- F69** Reg. 3(8C) inserted (30.10.2008) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **3(2)**
- F70** 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)**
- F71** Reg. 3(8E)-(8K) inserted (1.1.2017) (E+W+S) by The Social Security (Credits, and Crediting and Treatment of Contributions) (Consequential and Miscellaneous Amendments) Regulations 2016 (S.I. 2016/1145), regs. 1, **4(3)(a)**
- F72** Words in reg. 3(8G) substituted (6.4.2017 coming into force in accordance with art. 1-3) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422), arts. 1(2), **15(3)(b)(i)**
- F73** Words in reg. 3(8G) substituted (6.4.2017 coming into force in accordance with art. 1-3) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422), arts. 1(2), **15(3)(b)(ii)**
- F74** Words in reg. 3(8G) omitted (6.4.2017 coming into force in accordance with art. 1-3) by virtue of The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422), arts. 1(2), **15(3)(b)(iii)**
- F75** Reg. 3(8L) inserted (with effect from 6.4.2022) by The Social Security (Class 2 National Insurance Contributions Increase of Threshold) Regulations 2022 (S.I. 2022/1329), regs. 1, **8(1)**
- F76** 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)**
- F77** 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)
- F78** 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)**
- F79** 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)**
- F80** 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)**
- F81** 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)**
- F82** 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)**
- F83** 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)**
- F84** 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)**
- F85** 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)**
- F86** 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))
- F87** 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)**
- F88** Reg. 3(12) inserted (1.1.2017) (E+W+S) by The Social Security (Credits, and Crediting and Treatment of Contributions) (Consequential and Miscellaneous Amendments) Regulations 2016 (S.I. 2016/1145), regs. 1, **4(3)(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.

[^{F89}Consideration of revision before appeal E+W+S

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

F89 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)**

[^{F90}Revision of child support decisions E+W+S

3A.—[^{F91}(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 [^{F92}Secretary of State]—

- (a) if [^{F93}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) [^{F93}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 [^{F92}Secretary of State] is not in possession of all of the information or evidence needed to make a decision; and

- (ii) that person reappplies for the decision to be revised within one month of the notification described in head (i) above, or such longer period as the [F92Secretary 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 [F93the 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 advantageous to the person who misrepresented or failed to disclose that fact than it would have been but for that error;
 - [F94(cc) if an appeal is made under section 20 of the Child Support Act against a decision within the time prescribed [F95by Tribunal Procedure Rules] but the appeal has not been determined;]
 - (d) if [F96the 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[F97]; 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 [F98Secretary of State] has, is expected to occur.
- [F99(3) In paragraphs (1), (2) and (5A) and in regulation 4(3) “decision” means a decision of the [F100Secretary of State] under section [F10111 or 12] of the Child Support Act, or a determination of [F102the 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 [F103Secretary 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.
- [F104(5A) Where—
- (a) the [F105Secretary 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 [F106the First-tier Tribunal] (“decision C”); and
 - (c) the [F105 Secretary of State] would have made decision B differently if F107 ... aware of decision C at the time [F107of making] decision B,
- decision B may be revised at any time.]
- F108(6)
- F108(7)
- [F109(8) Subject to paragraph (9), section 16 of the Child Support Act shall apply in relation to any decision of the [F110Secretary of State] not to make a maintenance calculation, as it applies in relation to any decision of the [F110Secretary 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 [F110Secretary of State] makes a decision under section 12 of the Child Support Act.]]

Textual Amendments

- F90** 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.)
- F91** 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)**
- F92** 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)**
- F93** 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)**
- F94** 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)
- F95** 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)**
- F96** 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)**
- F97** 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)
- F98** 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)**
- F99** 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)
- F100** 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)**
- F101** 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)**
- F102** 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)**
- F103** 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)**
- F104** 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)
- F105** 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)**
- F106** 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)**

- F107** 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\(3\)\(c\)\(ii\)](#)
- F108** 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)
- F109** 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](#)
- F110** 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\(3\)\(d\)](#)

[^{F111}C] **Consideration of revision before appeal in relation to certain child support decisions** **E**
+W+S

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

- F111** 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 **E+W+S**

4.—(1) The time limit for making an application for a revision specified in regulation 3(1) or (3) [^{F112}[^{F113}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 [^{F114}[^{F115}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^{F116}, but if the applicant has requested a statement of the reasons in accordance with ^{F117}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^{F118}, the Commission]^{F119}or the Board or an officer of the Board] that—
- (a) it is reasonable to grant the application;
 - (b) the application for revision has merit^{F120}, except in a case to which regulation 3ZA or 3B applies]; and
 - (c) 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 ^{F121}[^{F122}or 3A]].
- (5) In determining whether it is reasonable to grant an application, the Secretary of State^{F118}, the Commission]^{F119}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) ^{F123}[^{F124}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^{F125}, except in a case to which regulation 3ZA or 3B applies,] 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 ^{F126}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

- F112** 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)**
- F113** 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.)
- F114** 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)**
- F115** 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.)

- F116** 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)**
- F117** 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)**
- F118** 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)
- F119** 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**
- F120** 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)**
- F121** 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)**
- F122** 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.)
- F123** 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)**
- F124** 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.)
- F125** 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)**
- F126** 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 **E+W+S**

5.—^{F127}(1) Where, on a revision under section 9, the Secretary of State ^{F128}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.

^{F129}(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 ^{F130}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 ^{F131}or civil partner];

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

- (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 [^{F132}or civil partner] attained pensionable age,

whichever is later.]

Textual Amendments

- F127** 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**
- F128** 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**
- F129** Reg. 5(2) added (27.9.2004) by [Social Security \(Retirement Pensions\) Amendment Regulations 2004 \(S.I. 2004/2283\)](#), regs. 1, **3**
- F130** 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)**
- F131** 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)**
- F132** 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)**

[^{F133}Date from which a decision revised under section 16 of the Child Support Act takes effect **E+W+S**

5A.—[^{F134}(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.

^{F135}(2)

^{F135}(3)]]

Textual Amendments

- F133** 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.)
- F134** 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)**
- F135** 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)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, CHAPTER I.