
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 INCLUDING CHILD SUPPORT APPEALS

Appeal against a decision which has been revised

30.—(1) An appeal against a decision of the Secretary of State shall not lapse where the decision is revised under section 16 of the Child Support Act or section 9 before the appeal is determined and the decision as revised is not more advantageous to the appellant than the decision before it was revised.

(2) Decisions which are more advantageous for the purposes of this regulation include decisions where—

- (a) any relevant benefit paid to the appellant is greater or is awarded for a longer period in consequence of the decision made under section 9;
- (b) it would have resulted in the amount of relevant benefit in payment being greater but for the operation of any provision of the Administration Act or the Contributions and Benefits Act restricting or suspending the payment of, or disqualifying a claimant from receiving, some or all of the benefit;
- (c) as a result of the decision, a denial or disqualification for the receiving of any relevant benefit, is lifted, wholly or in part;
- (d) it reverses a decision to pay benefit to a third party;
- (e) in consequence of the revised decision, benefit paid is not recoverable under section 71, 71A or 74 of the Administration Act⁽¹⁾ or regulations made under any of those sections, or the amount so recoverable is reduced; or
- (f) a financial gain accrued or will accrue to the appellant in consequence of the decision.

(3) Where a decision as revised under section 16 of the Child Support Act or under section 9 is not more advantageous to the appellant than the decision before it was revised, the appeal shall be treated as though it had been brought against the decision as revised.

(4) The appellant shall have a period of one month from the date of notification of the decision as revised to make further representations as to the appeal.

(1) Section 71A was inserted by section 18 of the Jobseekers Act 1995 (c. 18).

(5) After the expiration of the period specified in paragraph (4), or within that period if the appellant consents in writing, the appeal to the appeal tribunal shall proceed except where, in the light of the further representations from the appellant, the Secretary of State further revises his decision and that decision is more advantageous to the appellant than the decision before it was revised.