
DRAFT STATUTORY INSTRUMENTS

2000 No.

**The Social Security and Child Support
(Miscellaneous Amendments) Regulations 2000**

Amendment of the principal Regulations

17. In regulation 7—

(a) for sub-paragraph (a) of paragraph (1) there shall be substituted the following sub-paragraph—

“(a) is, except for paragraph (2)(b), subject to Schedule 3A; and”;

(b) after sub-paragraph (b) of paragraph (2), there shall be inserted the following sub-paragraph—

“(bb) where the decision is advantageous to the claimant and is made on the Secretary of State’s own initiative, from the date on which the Secretary of State commenced action with a view to supersession;”;

(c) for paragraph (5) there shall be substituted the following paragraph—

“(5) Where the Secretary of State supersedes a decision made by an appeal tribunal or a Commissioner on the grounds specified in regulation 6(2)(c) (ignorance of, or mistake as to, a material fact), the decision under section 10 shall take effect, in a case where, as a result of that ignorance of or mistake as to material fact, the decision to be superseded was more advantageous to the claimant than it would otherwise have been and which either—

(a) does not relate to a disability benefit decision or an incapacity benefit decision where there has been an incapacity determination; or

(b) relates to a disability benefit decision or an incapacity benefit decision where there has been an incapacity determination, and the Secretary of State is satisfied that at the time the decision was made the claimant or payee knew or could reasonably have been expected to know of the fact in question and that it was relevant to the decision,

from the date on which the decision of the appeal tribunal or the Commissioner took, or was to take, effect.”;

(d) for paragraph (7) there shall be substituted the following paragraph—

“(7) A decision which falls to be superseded under regulation 6(2)(e) shall be superseded as from the date on which the claimant or member of his family becomes entitled to and receives the relevant benefit or increase in benefit referred to in regulation 6(2)(e)(ii).”;

(e) in paragraph (9)(a) for the words “the date of that decision” there shall be substituted the words “the date on which the Secretary of State commenced action with a view to supersession”.