
DRAFT STATUTORY INSTRUMENTS

2013 No.

**The Universal Credit, Personal Independence Payment,
Jobseeker's Allowance and Employment and Support
Allowance (Decisions and Appeals) Regulations 2013**

PART 2

REVISION

CHAPTER 1

REVISION ON ANY GROUNDS

Revision on any grounds

5.—(1) Any decision of the Secretary of State under section 8 or 10 of the 1998 Act (“the original decision”)(**1**) may be revised by the Secretary of State if—

- (a) the Secretary of State commences action leading to the 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 at an appropriate office within—
 - (i) one month of the date of notification of the original decision (but subject to regulation 38(4)(correction of accidental errors));
 - (ii) 14 days of the expiry of that period if a written statement of the reasons for the decision is requested under regulation 7 (consideration of revision before appeal) or regulation 51 (notice of a decision against which an appeal lies) and that statement is provided within the period specified in paragraph (i);
 - (iii) 14 days of the date on which that statement was provided if the statement was requested within the period specified in paragraph (i) but was provided after the expiry of that period; or
 - (iv) such longer period as may be allowed under regulation 6 (late application for a revision).
- (2) Paragraph (1) does not apply—
- (a) in respect of a relevant change of circumstances which occurred since the decision had effect or, in the case of an advance award under regulation 32, 33 or 34 of the Claims and Payments Regulations 2013, since the decision was made;

(1) Relevant amendments were made to section 8 by section 18 of, and paragraph 22 of Schedule 7 to, the Contributions Act 1999, by section 11 of, and paragraphs 4 and 6 of Schedule 1 to, the 2002 Act, by section 28 of, and paragraph 17 of Schedule 3 to, the 2007 Act and by sections 31 and 91 of, and paragraphs 43 and 45 of Schedule 2 and paragraphs 37 and 39 of Schedule 9, to the 2012 Act. Section 10 was amended by sections 18 and 26 of, and paragraph 23 of Schedule 7 and Schedule 10 to, the Contributions Act 1999, by amended [S.I. 2008/2833](#) and by sections 103 and 147 of, and paragraph 4 of Schedule 12 and Schedule 14 to, the 2012 Act.

- (b) where the Secretary of State has evidence or information which indicates that a relevant change of circumstances will occur;
- (c) in respect of a decision which relates to an employment and support allowance or personal independence payment where the claimant is terminally ill, unless the application for a revision contains an express statement that the claimant is terminally ill.

Late application for a revision

6.—(1) The Secretary of State may extend the time limit specified in regulation 5(1) (revision on any grounds) for making an application for a revision if all of the following conditions are met.

(2) The first condition is that the person wishing to apply for the revision has applied to the Secretary of State at an appropriate office for an extension of time.

(3) The second condition is that the application—

- (a) explains why the extension is sought;
- (b) contains sufficient details of the decision to which the application relates to enable it to be identified; and
- (c) is made within 13 months of the latest date by which the application for revision should have been received by the Secretary of State in accordance with regulation 5(1)(b)(i) to (iii).

(4) The third condition is that the Secretary of State is satisfied that it is reasonable to grant the extension.

(5) The fourth condition is that the Secretary of State is satisfied that due to special circumstances it was not practicable for the application for revision to be made within the time limit specified in regulation 5(1)(b)(i) to (iii) (revision on any grounds).

(6) In determining whether it is reasonable to grant an extension of time, the Secretary of State must have regard to the principle that the greater the amount of time that has elapsed between the end of the time limit specified in regulation 5(1)(b)(i) to (iii) (revision on any grounds) and the date of the application, the more compelling should be the special circumstances on which the application is based.

(7) An application under this regulation which has been refused may not be renewed.

Consideration of revision before appeal

7.—(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 1998 Act (whether as originally made or as revised under section 9 of that Act)(2); 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 1998 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 that Act.

(3) The notice referred to in paragraph (1) must inform the person—

- (a) of the time limit under regulation 5(1) (revision on any grounds) for making an application for a revision; and

(2) Section 9 was amended by section 147 of, and Schedule 14 to, the 2012 Act.

- (b) that, where the notice does not include a statement of the reasons for the decision (“written reasons”), the person may, within one month of the date of notification of the decision, request that the Secretary of State provide written reasons.
- (4) Where written reasons are requested under paragraph (3)(b), the Secretary of State must provide that statement 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 1998 Act.