
STATUTORY INSTRUMENTS

1987 No. 214

The Social Security Commissioners Procedure Regulations 1987

PART IV

DECISIONS

Determinations and decisions of a Commissioner

22.—(1) The determination of a Commissioner on an application for leave to appeal shall be in writing and signed by him.

(2) The decision of a Commissioner on an appeal or on a reference shall be in writing and signed by him and, except in respect of a decision made with the consent of the parties, he shall record the reasons.

(3) A copy of the determination or decision and any reasons shall be sent to the parties by the office of the Social Security Commissioners.

(4) Without prejudice to paragraphs (2) and (3) above, a Commissioner may announce his determination or decision at the conclusion of an oral hearing.

Procedure after determination of a forfeiture rule question

23.—(1) Subject to paragraph (2) below, the Commissioner who has determined a forfeiture rule question shall remit the case to the adjudicating authority which caused it to be referred to him together with a copy of his decision on that question and that authority shall then dispose of the case in the light of the Commissioner's decision on the forfeiture rule question.

(2) Where, disregarding the forfeiture rule question, the case referred to a Commissioner is one where an appeal tribunal has, or in the event of an appeal from a decision of an adjudication officer would have, jurisdiction to dispose of the case, the Commissioner may, with the consent of the parties, dispose of the case.

Correction of accidental errors in decisions

24.—(1) Subject to Regulation 26, accidental errors in any decision or record of a decision may at any time be corrected by the Commissioner who gave the decision.

(2) A correction made to, or to the record of, a decision shall become part of the decision or record thereof and written notice thereof shall be given by the office of the Social Security Commissioners to any party to whom notice of the decision had previously been given.

Setting aside of decisions on certain grounds

25.—(1) Subject to this Regulation and Regulation 26, on an application made by any party a decision may be set aside by the Commissioner who gave the decision in a case where it appears just to do so on the ground that—

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- (a) a document relating to the proceedings was not sent to, or was not received at an appropriate time by, a party or his representative or was not received at an appropriate time by the Commissioner; or
- (b) a party or his representative had not been present at an oral hearing which had been held in the course of the proceedings; or
- (c) the interests of justice so require.

(2) An application under this Regulation shall be made in writing to a Commissioner, within 30 days from the date on which notice in writing of the decision was given by the office of the Social Security Commissioners to the party making the application.

(3) Where an application to set aside a decision is made under paragraph (1), each party shall be sent by the office of the Social Security Commissioners a copy of the application and shall be afforded a reasonable opportunity of making representations on it before the application is determined.

(4) Notice in writing of a determination of an application to set aside a decision shall be given by the office of the Social Security Commissioners to each party and shall contain a statement giving the reasons for the determination.

Provisions common to Regulations 24 and 25

26.—(1) In Regulations 24 and 25 the word “decision” shall include determinations of applications for leave to appeal as well as decisions on appeals and on references.

(2) Subject to a direction by a Commissioner to the contrary, in calculating any time for applying for leave to appeal against a Commissioner's decision there shall be disregarded any day falling before the day on which notice was given of a correction of a decision or the record thereof pursuant to Regulation 24 or on which notice was given of a determination that a decision shall not be set aside under Regulation 25, as the case may be.

(3) There shall be no appeal against a correction or a refusal to correct under Regulation 24, or a determination given under Regulation 25.

(4) If it is impracticable or likely to cause undue delay for a decision or record of a decision to be dealt with pursuant to Regulation 24 or 25 by the Commissioner who gave the decision, the Chief Commissioner or another Commissioner may deal with the matter.

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Changes and effects yet to be applied to :

- Regulations applied in part by [S.I. 1996/207 reg. 44](#)
- Regulations revoked by [S.I. 1999/1495 reg. 2\(a\)](#)