
STATUTORY INSTRUMENTS

1997 No. 793

**The Social Security (Miscellaneous
Amendments) (No.2) Regulations 1997**

Amendment of regulation 59 of the Adjudication Regulations

10.—(1) Regulation 59 of the Adjudication Regulations (review of decisions involving payment or increase of certain benefits) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)(1), for all the words following “a date not earlier than” there shall be substituted the words “one month before the date of the application for the review.”.

(3) After paragraph (1) there shall be inserted the following paragraphs—

“(1A) A determination on a claim or question relating to incapacity benefit may be revised on a review so as to increase the amount of incapacity benefit payable in respect of a period which falls more than one month before the date of the application for the review where the reason for the revised determination is that section 30B(4) of the Contributions and Benefits Act(2) applies to the claimant because he has become entitled to the highest rate of the care component of disability living allowance.

(1B) A determination on a claim or question relating to incapacity benefit or severe disablement allowance may be revised on a review so as to make incapacity benefit or severe disablement allowance payable in respect of a period which falls more than one month before the date of the application for the review where on a review under section 25(1)(a) of the Administration Act (review for error of fact), it is determined that the claimant is to be treated as incapable of work under regulation 10 of the Social Security (Incapacity for Work) (General) Regulations 1995(3) (certain persons with a severe condition to be treated as incapable of work).”.

(4) Paragraph (2) shall be omitted.

(5) For paragraph (3) there shall be substituted the following paragraph—

“(3) A review may have effect from a date earlier than one month before the date of the application where—

(a) regulation 57 or 58 applies; or

(b) it is certified in the decision on review that the original decision was revised by reason only of—

(i) a matter specified in section 17(1)(b) of the Administration Act (contributions and earnings factors); or

(ii) a matter relating to the number of days in respect of which the claimant has been entitled or deemed to be entitled to short-term incapacity benefit.”.

(6) In paragraph (5)(c) for the words “3 months” there shall be substituted the words “one month”.

(1) Relevant amending instruments are S.I.1996/425, 1518 and 1803.

(2) Section 30B was inserted by section 2(1) of the Social Security (Incapacity for Work) Act 1994 (c. 18).

(3) S.I. 1995/311; relevant amending instrument is S.I. 1995/987.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
