
STATUTORY INSTRUMENTS

1999 No. 1495

**The Social Security Commissioners
(Procedure) Regulations 1999**

PART IV

DECISIONS

Determinations and decisions of a Commissioner

28.—(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 reference shall be in writing and signed by him and, unless it was a decision made with the consent of the parties or an order setting aside a tribunal's decision under section 14(7) of the Act, he shall include the reasons.

(3) The office shall send a copy of the determination or decision and any reasons to each party.

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

Procedure after determination of a forfeiture rule question

29. A Commissioner who has determined a forfeiture rule question shall remit the case to the Secretary of State for any necessary determination on entitlement to benefit to be made in the light of the decision on the forfeiture rule question.

Correction of accidental errors in decisions

30.—(1) Subject to regulations 6 and 32, the Commissioner who gave the decision may at any time correct accidental errors in any decision or record of a decision.

(2) A correction made to, or to the record of, a decision shall become part of the decision or record, and the office shall send a written notice of the correction to any party to whom notice of the decision has been sent.

Setting aside decisions on certain grounds

31.—(1) Subject to regulations 6 and 32, on an application made by any party, the Commissioner who gave the decision in proceedings may set it aside where it appears just to do so on the ground that—

- (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 was not present at a hearing before the Commissioner; or
- (c) there has been some other procedural irregularity or mishap.

(2) An application under this regulation shall be made in writing to a Commissioner within one month from the date on which the office gave written notice of the decision to the party making the application.

(3) Unless the Commissioner considers that it is unnecessary for the proper determination of an application made under paragraph (1), the office shall send a copy of it to each respondent, who shall be given a reasonable opportunity to make representations on it.

(4) The office shall send each party written notice of a determination of an application to set aside a decision and the reasons for it.

Provisions common to regulations 30 and 31

32.—(1) In regulations 30 and 31, the word “decision” shall include determinations of applications for leave to appeal, orders setting aside tribunal decisions under section 14(7) of the Act and decisions on appeals and references.

(2) There shall be no appeal against a correction or a refusal to correct under regulation 30 or a determination given under regulation 31.