
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the principal Regulations”). Regulation 2 amends regulation 3(5) as regards decisions on disability or incapacity related benefits. Revision can take place on grounds connected with the claimant’s condition for error of law or ignorance of or mistake as to a material fact if the claimant or recipient of the benefit knew or could reasonably be expected to know of the fact and that it was relevant to the original decision.

Regulation 3 inserts paragraph (g) into regulation 6(2). This provides that a ground for superseding a decision where there has been a determination as to a person’s incapacity for work by applying the all work test may be receipt of new medical evidence from a doctor approved by the Secretary of State.

Regulation 4 amends regulation 7(2)(c) as regards superseding decisions. The amendment applies where the supersession is of a decision on a disability or incapacity related benefit on grounds connected with the claimant’s condition and the claimant or recipient of the benefit knew, or could reasonably have been expected to know, of a relevant change of circumstances which he is under a duty to notify. The effective date of the supersession is the date from which the change, or, if more than one, the first relevant change, ought to have been notified. (The duty to notify changes is currently in regulation 32 of the Social Security (Claims and Payments) Regulations S.I.1987/1968).

Regulation 5 inserts new regulation 7A, paragraph (1) of which defines terms for the purposes of regulation 3(2)(c), 6(2)(g) and 7(2)(c) of the principal Regulations.

The revision and supersession rules apply to revised entitlement to benefits where payment of or entitlement to another benefit is a condition and entitlement ceases or reduces as a result of a revision under regulation 3(2)(c) or a supersession under regulation 6(2) to which regulation 7(2)(c)(ii) applies (new regulation 7A(2)).

Regulation 6 amends regulation 20 to provide for suspended benefits to be paid when the information requirements of regulation 17 have been satisfied. Regulation 7 corrects an error in the reference to revoked regulations in Schedule 4 to the principal Regulations.

The Regulations do not impose any charge on business.