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STATUTORY INSTRUMENTS

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**1999 No. 1623**

**The Social Security and Child Support (Decisions and Appeals) Amendment (No. 2) Regulations 1999**

**Amendment of regulation 3 of the principal Regulations**

2. Regulation 3 of the principal Regulations shall be amended—
  - (a) by the insertion in paragraph (5)(b) before the word “where” of the words “except in the case of a disability benefit decision or an incapacity benefit decision where there has been an incapacity determination (whether before or after the decision)”, and
  - (b) by the insertion after paragraph (5)(b) of the following—
    - “(c) where the decision is a disability benefit decision, or is an incapacity benefit decision where there has been an incapacity determination (whether before or after the decision), which was made in ignorance or, or was based upon a mistake as to, some material fact in relation to a disability determination embodied in or necessary to the disability benefit decision, or the incapacity determination, and
      - (i) as a result of that ignorance of or mistake as to that fact the decision was more advantageous to the claimant than it would otherwise have been but for that ignorance or mistake and,
      - (ii) the Secretary of State is satisfied that at the time the decision was made the claimant or payee knew or could reasonably have been expected at the time the decision was made to know of the fact in question and that it was relevant to the decision.”.