
STATUTORY INSTRUMENTS

1999 No. 991

**The Social Security and Child Support
(Decisions and Appeals) Regulations 1999**

PART II

**^{F1}REVISIONS, SUPERSESIONS AND OTHER MATTERS
SOCIAL SECURITY [^{F1}AND CHILD SUPPORT]**

**CHAPTER II
SUPERSESIONS**

Effective date for late notifications of change of circumstances

8.—(1) For the purposes of regulation 7(2) [^{F1}and (9)], a longer period of time may be allowed for the notification of a change of circumstances in so far as it affects the effective date of the change where the conditions specified in the following provisions of this regulation are satisfied.

(2) An application for the purposes of regulation 7(2) [^{F2}or (9)] shall be made by the claimant or a person acting on his behalf.

(3) The application referred to in paragraph (2) shall—

(a) contain particulars of the relevant change of circumstances and the reasons for the failure to notify the change of circumstances on an earlier date; and

[^{F3}(b) be made—

(i) within 13 months of the date the change occurred; or

(ii) in the case of an application for the purposes of regulation 7(9)(b), within 13 months of the date on which the claimant satisfied the conditions of entitlement to the particular rate of benefit.]

(4) An application under this regulation shall not be granted unless the Secretary of State is satisfied [^{F4}or the Board are satisfied] that—

(a) it is reasonable to grant the application;

(b) the change of circumstances notified by the applicant is relevant to the decision which is to be superseded; and

(c) special circumstances are relevant to the application and as a result of those special circumstances it was not practicable for the applicant to notify the change of circumstances within one month of the change occurring.

(5) In determining whether it is reasonable to grant the application, the Secretary of State [^{F5}or the Board] shall have regard to the principle that the greater the amount of time that has elapsed between the date one month after the change of circumstances occurred and the date the application for the purposes of regulation 7(2) [^{F6}or (9)] is made, the more compelling should be the special circumstances on which the application is based.

- (6) In determining whether it is reasonable to grant an application, no account shall be taken of the following—
- (a) that the applicant or any person acting for him was unaware of, or misunderstood, the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by these Regulations); or
 - (b) that [^{F7}the Upper Tribunal] or a court has taken a different view of the law from that previously understood and applied.
- (7) An application under this regulation which has been refused may not be renewed.

Textual Amendments

- F1** Words in reg. 8(1) inserted (17.2.2000) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment Regulations 2000 \(S.I. 2000/119\)](#), regs. 1(1), **3(a)**
- F2** Words in reg. 8(2) inserted (17.2.2000) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment Regulations 2000 \(S.I. 2000/119\)](#), regs. 1(1), **3(b)**
- F3** Reg. 8(3)(b) substituted (6.4.2010) by [Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **4(3)**
- F4** Words in reg. 8(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **11(a)**
- F5** Words in reg. 8(5) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **11(b)**
- F6** Words in reg. 8(5) inserted (17.2.2000) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment Regulations 2000 \(S.I. 2000/119\)](#), regs. 1(1), **3(b)**
- F7** Words in reg. 8(6)(b) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 106**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, Section 8.