
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 (“the Industrial Injuries Regulations”), the Social Security (Claims and Payments) Regulations 1987 (“the Claims and Payments Regulations”), the Child Support (Maintenance Assessment Procedure) Regulations 1992 (“the Maintenance Regulations”), the Child Support Departure Direction and Consequential Amendments Regulations 1996 (“the Departure Regulations”) and the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the principal Regulations”).

Regulation 2 amends the Industrial Injuries Regulations in consequence of the changes to the decision-making process for social security introduced by the Social Security Act 1998 (c. 14) (“the Act”).

Regulation 3 amends the Claims and Payments Regulations to provide that in cases where an award of benefit has the effect of making another relevant benefit payable or payable at an increased rate, the periods of entitlement to the two benefits shall be the same in the circumstances specified.

Regulation 6 amends the Maintenance Regulations as to the definition of “official error”.

Regulation 9 provides for the effective date of a superseding decision on a change of circumstances where a child ceases to be a qualifying child.

Regulation 10 amends the Departure Regulations as to the definition of “official error”.

Regulation 13 provides for the effective date of a superseding decision on a change of circumstances where a child ceases to be a qualifying child.

Regulation 14 amends regulation 1(3) of the principal Regulations in particular as to the definition of “official error”. Regulation 15 amends regulation 3(7) as to the power to revise a decision.

Regulation 16 amends regulation 6(2)(e) as to the power to supersede a decision. Regulation

17 amends regulation 7 by altering the effective date of a superseding decision in specified circumstances and transfers into these Regulations provisions previously found in the Claims and Payments Regulations concerning effective dates for income support and jobseeker’s allowance.

Regulation 19 inserts a new provision to disapply section 8(2) of the Act to cases where there is a recrudescence of a prescribed disease. Regulation 20 amends regulation 16 so as to define

when an appeal is pending for the purposes of section 21(3)(c) of the Act. Regulation 21 amends regulation 20 so as to specify when payments of benefit suspended shall be payable. Regulation

22 amends regulation 26 to provide a right of appeal against a decision made on a percentage

assessment of disability in industrial injury benefit cases. Regulation 23 amends regulation 33

by providing for action on an appeal to be discontinued in certain circumstances. Regulation

24 amends regulation 36 as to the composition of an appeal tribunal. Regulation 25 amends

regulation 42 to provide that the decision whether to withhold medical advice and evidence from a claimant shall be taken by a legally qualified panel member. Regulation 26 amends regulation 47

to include all appeals struck out under regulation 48. Regulation 27 amends regulation 49 by

adding a category to those people entitled to be present at a hearing. Regulation 28 amends

regulation 53 by specifying when statements of reasons are to be recorded. Regulation 29 amends regulation 54 to take account of the operation of regulations 56 and 57. Regulation 30 amends

regulation 56 by providing that accidental errors in decisions can be corrected either by a clerk to an appeal tribunal or a legally qualified panel member. Regulation 31 amends regulation 57 by

incorporating into this regulation the rules relating to the setting aside of a decision of an appeal tribunal on certain grounds. Regulation 32 inserts regulations 57A and 57B clarifying the way in

which certain time limits are to be calculated and the meaning of “Commissioner” in Chapter V.

Regulation 33 amends regulation 58 to specify circumstances in which an application for leave

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to appeal to a tribunal may be determined by a legally qualified panel member other than the person who constituted the tribunal concerned. There are also other amendments to the principal Regulations in consequence of changes in terminology effected by legislation since the principal Regulations were made.

These Regulations do not impose a charge on business.

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