
STATUTORY INSTRUMENTS

2002 No. 1379

The Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002

18. [^{F1}In regulation 57 (setting aside decisions on certain grounds)—
- (a) in paragraph (2) the words “the chairman, or in the case of an appeal tribunal which has only one member, unless” shall be omitted;
 - (b) for paragraph (3) ^{M1} there shall be substituted the following paragraph—
 - “(3) An application under this regulation shall—
 - (a) be made within one month of the date on which—
 - (i) a copy of the decision notice is sent or given to the parties to the proceedings in accordance with regulation 53(3); or
 - (ii) the statement of the reasons for the decision is given or sent in accordance with regulation 53(4),whichever is later;
 - (b) be in writing and signed by a party to the proceedings or, where the party has provided written authority to a representative to act on his behalf, that representative;
 - (c) contain particulars of the grounds on which it is made; and
 - (d) be sent to the clerk to the appeal tribunal.”;
- and
- (c) the following paragraphs shall be substituted for paragraphs (6) to (12) ^{M2} —
 - “(6) The time within which an application under this regulation must be made may be extended by a period not exceeding one year where the conditions specified in paragraphs (7) to (11) are satisfied.
 - (7) An application for an extension of time shall be made in accordance with paragraph (3)(b) to (d), shall include details of any relevant special circumstances for the purposes of paragraph (9) and shall be determined by a legally qualified panel member.
 - (8) An application for an extension of time shall not be granted unless the panel member is satisfied that—
 - (a) if the application is granted there are reasonable prospects that the application to set aside will be successful; and
 - (b) it is in the interests of justice for the application for an extension of time to be granted.
 - (9) For the purposes of paragraph (8) it is not in the interests of justice to grant an application for an extension of time unless the panel member is satisfied that—
 - (a) the special circumstances specified in paragraph (10) are relevant to that application; or

- (b) some other special circumstances exist which are wholly exceptional and relevant to that application,

and as a result of those special circumstances, it was not practicable for the application to set aside to be made within the time limit specified in paragraph (3)(a).

(10) For the purposes of paragraph (9)(a) the special circumstances are that—

- (a) the applicant or a partner or dependant of the applicant has died or suffered serious illness;
- (b) the applicant is not resident in the United Kingdom; or
- (c) normal postal services were disrupted.

(11) In determining whether it is in the interests of justice to grant an application for an extension of time, the panel member shall have regard to the principle that the greater the amount of time that has elapsed between the expiry of the time within which the application to set aside is to be made and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application for an extension is based.

(12) An application under this regulation for an extension of time which has been refused may not be renewed.”.]

Textual Amendments

F1 Regs. 13-20 revoked (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 2** (with arts. 3(3)(d), 4)

Marginal Citations

M1 Paragraph (3) was substituted by [S.I. 2000/1596](#) but that amendment did not apply for tax credit purposes.

M2 Paragraphs (6) to (12) were added by [S.I. 2000/1596](#) but that amendment did not apply for tax credit purposes.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002, Section 18.