

SCHEDULE 4

article 5(1)

PROCEDURE TO DETERMINE ENTITLEMENT

Initial decision by Secretary of State

1. The Secretary of State shall, within three months of the date on which she receives an application either—

- (a) make a written request to the applicant requiring him to provide additional information in support of his application, specifying—
 - (i) the nature of the information requested; and
 - (ii) her reasons for making the request;
- (b) make a determination of entitlement in respect of the applicant and notify the applicant in writing that she has done so; or
- (c) notify the applicant in writing that his application has been unsuccessful, specifying the reasons why she considers that the applicant does not fulfil the requirements set out in article 3.

Request for further information

2. If the Secretary of State makes a written request for further information in accordance with paragraph 1(a), the applicant shall, within three months from the date on which the request is made, provide—

- (a) the further information requested; and
- (b) a signed statement that the further information provided is true to the best of the applicant's knowledge and belief.

3. The Secretary of State shall, within three months of the date on which either she receives the information requested in accordance with paragraph 1(a) or the date on which the period referred to in paragraph 2 expires (as the case may be), either—

- (a) make a determination of entitlement in respect of the applicant and notify the applicant in writing that she has done so; or
- (b) notify the applicant in writing that his application has been unsuccessful, specifying the reasons why she considers that the applicant does not fulfil the requirements set out in article 3.

Reconsideration of initial decision

4.—(1) If the Secretary of State does not make a determination of entitlement in respect of an applicant and notifies him in accordance with paragraph 1(c) or paragraph 3(b) (as the case may be) that his application has been unsuccessful, the applicant may, within three months of the date on which the Secretary of State so notifies him, request the Secretary of State to reconsider her decision.

(2) If the Secretary of State revokes a determination of entitlement and notifies the person in respect of whom the determination of entitlement had been made in accordance with article 5(4) that she has done so, the applicant may, within three months of the date on which the Secretary of State so notifies him, request the Secretary of State to reconsider her decision.

(3) A request for reconsideration made in accordance with sub-paragraph (1) or sub-paragraph (2) —

- (a) shall be made in writing;

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- (b) shall specify the grounds upon which the applicant wishes the Secretary of State to reconsider her decision;
- (c) may be supported by any additional information which is relevant and material to the request for reconsideration; and
- (d) shall be accompanied by a signed statement that any information contained in or supporting the request for reconsideration is true to the best of the applicant's knowledge and belief.

5. The Secretary of State shall, within three months of the date on which she receives a request for reconsideration made in accordance with paragraph 4(1) or paragraph 4(2) (as the case may be), either—

- (a) make a determination of entitlement in respect of the applicant and notify the applicant of her decision; or
- (b) notify the applicant in writing that his request for reconsideration has been unsuccessful, specifying the reasons why she considers that the applicant does not fulfil the requirements set out in article 3.

Dispute resolution

6. If the Secretary of State—

- (a) notifies a person in respect of whom a declaration of entitlement had been made in accordance with article 5(4) that she has revoked the declaration of entitlement;
- (b) notifies an applicant in accordance with paragraph 1(c) that his application has been unsuccessful;
- (c) notifies an applicant in accordance with paragraph 3(b) that his application has been unsuccessful; or
- (d) notifies an applicant in accordance with paragraph 5(b) that his request for reconsideration has been unsuccessful,

the person in respect of whom the declaration of entitlement had been made or the applicant (as the case may be) may, within one month of the date on which the Secretary of State so notifies him, give notice to the Secretary of State in writing that he disputes the determination of his entitlement to compensation under this Order.

7. If a person in respect of whom a declaration of entitlement has been made and subsequently revoked or an applicant (as the case may be) gives notice in accordance with paragraph 6, he and the Secretary of State may agree in accordance with section 5(5) of the Act to refer the dispute to arbitration, conducted in such manner as may be agreed between them.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [S.I. 2015/663 art. 3\(b\)](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 6 Pt. 6 para. 14(a)(i)(ii) words inserted by [S.I. 2006/2739 reg. 36\(2\)Sch. 5](#)
- reg. 5(3)(b) words substituted by [S.I. 2009/1307 Sch. 2 para. 97](#)
- reg. 6(3)(c) words substituted by [S.I. 2009/1307 Sch. 2 para. 98](#)
- reg. 6(4)(b) words substituted by [S.I. 2009/1307 Sch. 2 para. 98](#)