
STATUTORY INSTRUMENTS

2005 No. 439

**The Armed Forces and Reserve Forces
(Compensation Scheme) Order 2005**

PART VII

ADJUDICATION

Reconsideration

45.—(1) A decision of the Secretary of State (“the original decision”), other than a decision under article 44(1), shall be reconsidered by him if an application for a reconsideration is given or sent to the Veterans Agency within the period of 3 months starting with the date on which notice of the original decision is given or sent to the claimant.

(2) On a reconsideration of an original decision, the Secretary of State may—

(a) revise that decision by—

(i) awarding benefit where no award of benefit was made in the original decision; or

(ii) increasing or decreasing the amount awarded in the original decision; or

(iii) changing the date on which awards of benefit become payable

(b) confirm the original decision.

(3) An application for a reconsideration shall—

(a) be in writing;

(b) be signed by or on behalf of the person making the application; and

(c) specify the ground on which the application is made.

(4) The decision of the Secretary of State on an application for a reconsideration under paragraph (1) and the reasons for that decision shall be in writing and shall be sent to the claimant who shall, at the same time, be informed of his right to appeal to a Pension Appeal Tribunal under section 5A(1) of the Pensions Appeal Tribunals Act 1943.

(5) Where an appeal has been made to a Pensions Appeal Tribunal against an original decision and no application for a reconsideration has been made in respect of that decision under paragraph (1), the Secretary of State shall reconsider the decision.

(6) The decision of the Secretary of State on a reconsideration under paragraph (5) and the reasons for the decision shall be in writing and shall be sent to the claimant and the Pensions Appeal Tribunal.

(7) Article 41 shall have effect in respect of an application for a reconsideration under this article as though a reference to making a claim was a reference to making an application for a reconsideration and reference to the time for making a claim was a reference to the time for making an application for a reconsideration.