
STATUTORY INSTRUMENTS

1999 No. 991

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

^{F1} PART IV

RIGHTS OF APPEAL AND PROCEDURE FOR BRINGING APPEALS

CHAPTER I

GENERAL

GENERAL APPEALS MATTERS NOT INCLUDING CHILD SUPPORT APPEALS

Other persons with a right of appeal

25. For the purposes of [^{F1}section 12(2)]^{F2}, but subject to regulation 3ZA,] the following other persons have a right to appeal to [^{F3}the First-tier Tribunal]—

- ^{F4}(ai) any person who has been appointed by the Secretary of State or the Board under regulation 30(1) of the Claims and Payments Regulations (payments on death) to proceed with the claim of a person who has made a claim for benefit and subsequently died;
- (aii) any person who is appointed by the Secretary of State to claim benefit on behalf of a deceased person and who claims the benefit under regulation 30(5) and (6) of the Claims and Payments Regulations;
- (aiii) any person who is appointed by the Secretary of State to make a claim for reduced earnings allowance or disablement benefit in the name of a person who has died and who claims under regulation 30(6A) and (6B) of the Claims and Payments Regulations;]
- (a) any person appointed by the Secretary of State [^{F5}or the Board] under regulation 33(1) of the Claims and Payments Regulations (persons unable to act) to act on behalf of another;
- (b) any person claiming attendance allowance or disability living allowance on behalf of another under section 66(2)(b) of the Contributions and Benefits Act or, as the case may be, section 76(3) of that Act (claims on behalf of terminally ill persons);
- (c) in relation to a pension scheme, any person who, for the purposes of Part X of the Pension Schemes Act 1993 ^{M1}, is an employer, member, trustee or manager by virtue of section 146(8) of that Act.

F1 Words in reg. 25 substituted (21.12.2004) by [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#), regs. 1, **2(3)**

F2 Words in reg. 25 inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(7)**

- F3** Words in reg. 25 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. 115**
- F4** Reg. 25(ai)(a) inserted (20.5.2002) by *Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379)*, regs. 1(1), **7**
- F5** Words in reg. 25(a) 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, **18**

Marginal Citations

- M1** 1993 c.48 .

Decisions against which an appeal lies

26. [^{F6}Subject to regulation 3ZA,] an appeal shall lie to [^{F7}the First-tier Tribunal] against a decision made by the Secretary of State [^{F8}or an officer of the Board]—

- (a) as to whether a person is entitled to a relevant benefit for which no claim is required by virtue of regulation 3 of the Claims and Payments Regulations ^{M2} ; or
- (b) as to whether a payment be made out of the social fund to a person to meet expenses for heating by virtue of regulations made under section 138(2) of the Contributions and Benefits Act (payments out of the social fund); [^{F9}or
- (c) under Schedule 6 to the Contributions and Benefits Act (assessment of extent of disablement) in relation to sections 103 (disablement benefit) and 108 (prescribed diseases) of that Act for the purposes of industrial injuries benefit under Part V of that Act][^{F10}; or
- (d) under section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 (couples to make joint-claim for jobseeker's allowance) where one member of the couple is working and the Secretary of State has decided that both members of the couple are not engaged in remunerative work][^{F11}; or
- (e) under, or by virtue of regulations made under, section 23A (contributions credits for relevant parents and carers) of the Contributions and Benefits Act.]

- F6** Words in reg. 26 inserted (28.10.2013) by *The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 (S.I. 2013/2380)*, regs. 1(2), **4(8)**
- F7** Words in reg. 26 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. 116**
- F8** Words in reg. 26 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, **19**
- F9** Reg. 26(c) and word inserted (19.6.2000) by *The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596)*, regs. 1(1), **22**
- F10** Reg. 26(d) and word inserted (19.3.2001) by *The Social Security Amendment (Joint Claims) Regulations 2001 (S.I. 2001/518)*, regs. 1(1), **4(b)**
- F11** Reg. 26(e) and word inserted (6.4.2010) by *The Pensions Act 2007 (Supplementary Provision) Order 2009 (S.I. 2009/2715)*, art. 1, 2

Marginal Citations

- M2** The relevant amending instruments are *S.I. 1989/136*, *S.I. 1994/2943* and *S.I. 1996/1460*.

Decisions against which no appeal lies

27.—(1) No appeal lies to ^{F12}the First-tier Tribunal] against a decision set out in Schedule 2.

(2) In paragraph (1) and Schedule 2, “decision” includes determinations embodied in or necessary to a decision.

^{F13}(3)

F12 Words in reg. 27(1) 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. 117(a)**

F13 Reg. 27(3) omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 117(b)**

Notice of decision against which appeal lies

28.—(1) A person with a right of appeal under the Act or these Regulations against any decision of the Secretary of State ^{F14}or the Board or an officer of the Board] shall—

- (a) be given written notice of the decision against which the appeal lies;
- (b) be informed that, in a case where that written notice does not include a statement of the reasons for that decision, he may, within one month of the date of notification of that decision, request that the Secretary of State ^{F14}or the Board or an officer of the Board] provide him with a written statement of the reasons for that decision; and
- (c) be given written notice of his right of appeal against that decision.

(2) Where a written statement of the reasons for the decision is not included in the written notice of the decision and is requested under paragraph (1)(b), the Secretary of State ^{F14}or the Board or an officer of the Board] shall provide that statement within 14 days of receipt of the request ^{F15}or as soon as practicable afterwards.]

F14 Words in reg. 28 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 , **20**

F15 Words in reg. 28(2) added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(6)**

^{F16} Further particulars required relating to certificate of recoverable benefits ^{F17} or, as the case may be, recoverable lump sum payments] appeals ...

29.—^{F18}(1)

^{F18}(2)

^{F19}(3) ^{F20}Where it appears to the Secretary of State that a notice of appeal in respect of an appeal under the 1997 Act relating to a certificate of recoverable benefits or, as the case may be, recoverable lump sum payments does not contain the particulars required, the Secretary of State may direct the appellant to provide such particulars.]]

(4) ^{F20} Where paragraph (3) applies, the time specified for making the appeal ^{F21} ... may be extended by such period, not exceeding 14 days from the date of the Secretary of State’s direction under paragraph (3), as the Secretary of State may determine.]

(5) ^{F20} Where further particulars ^{F22} ... are required under paragraph (3) they shall be sent to or delivered to the Compensation Recovery Unit of the ^{F23} Department for Work and Pensions] at

[^{F24} Durham House, Washington, Tyne and Wear, NE38 7SF] within such period as the Secretary of State may direct.]

[^{F25}(6) The Secretary of State may treat any—

- (a) purported appeal (where, as the result of regulation 9ZB(2) (consideration of review before appeal), there is no right of appeal);
- (b) appeal relating to the certificate of recoverable benefits; or
- (c) appeal relating to the certificate of recoverable lump sum payments,

as an application for review under section 10 of the 1997 Act.]

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| <p>F16 Words in reg. 29 heading omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, Sch. 1 para. 118(a)</p> <p>F17 Words in reg. 29 heading inserted (1.10.2008) by Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (S.I. 2008/1596), reg. 1(1), Sch. 2 para. 1(c)(i) (with reg. 6)</p> <p>F18 Reg. 29(1)(2) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, Sch. 1 para. 118(b)</p> <p>F19 Reg. 29(3) 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. 118(c)</p> <p>F20 Reg. 29(3)-(5) omitted (28.10.2013) by virtue of The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 (S.I. 2013/2380), regs. 1(2), 4(10)(b) (with reg. 8)</p> <p>F21 Words in reg. 29(4) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, Sch. 1 para. 118(d)</p> <p>F22 Words in reg. 29(5) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, Sch. 1 para. 118(e)</p> <p>F23 Words in reg. 29(5) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), 8</p> <p>F24 Words in reg. 29(5) substituted (4.12.2000) by Social Security (Recovery of Benefits) (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/3030), regs. 1, 3</p> <p>F25 Reg. 29(6) substituted (28.10.2013) by The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 (S.I. 2013/2380), regs. 1(2), 4(9)</p> |
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Changes to legislation:

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