

SCHEDULE 1

Consequential amendments

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

122. In regulation 32 (late appeals)—

(a) for paragraphs (1) to (3) substitute—

“(1) Where a dispute arises as to whether an appeal was brought within the time specified under Tribunal Procedure Rules the dispute shall be referred to, and determined by, the First-tier Tribunal.

(2) The Secretary of State, the Commission or the Board, as the case may be, may treat a late appeal as made in time in accordance with Tribunal Procedure Rules if the conditions in paragraphs (4) to (8) are satisfied.”;

(b) for paragraph (4) substitute—

“(4) An appeal may be treated as made in time if the Secretary of State, the Commission or the Board, as the case may be, is satisfied that it is in the interests of justice.”;

(c) in paragraph (5)—

(i) for “grant an application unless the panel member” substitute “treat the appeal as made in time unless”;

(ii) in sub-paragraphs (a) and (b) omit “to the application”; and

(iii) for “regulation 31” substitute “Tribunal Procedure Rules”;

(d) in paragraph (6), in each place, for “applicant” substitute “appellant”;

(e) in paragraph (7)—

(i) for “grant the application” substitute “treat the appeal as made in time”; and

(ii) for the words “within which” to the end, substitute “limit under Tribunal Procedure Rules and the submission of the notice of appeal, the more compelling should be the special circumstances.”;

(f) in paragraph (8)—

(i) for “grant an application” substitute “treat the appeal as made in time”;

(ii) in sub-paragraph (a) for “these Regulations” substitute “Tribunal Procedure Rules”; and

(iii) in sub-paragraph (b) for “a Commissioner” substitute “the Upper Tribunal”; and

(g) omit paragraphs (9) to (11).