
STATUTORY INSTRUMENTS

2013 No. 2380

**The Social Security, Child Support, Vaccine
Damage and Other Payments (Decisions and
Appeals) (Amendment) Regulations 2013**

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

4.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽¹⁾ are amended as follows.

(2) In regulation 3(1)(b) (revision of decisions)⁽²⁾ before “paragraph (1)(b)” in both places it occurs, insert “paragraph (3)(b) of regulation 3ZA or”.

(3) After regulation 3 (revision), insert—

“Consideration of revision before appeal

3ZA.—(1) This regulation applies in a case where—

- (a) the Secretary of State gives a person written notice of a decision under section 8 or 10 of the Act (whether as originally made or as revised under section 9 of that Act); and
- (b) that notice includes a statement to the effect that there is a right of appeal in relation to the decision only if the Secretary of State has considered an application for a revision of the decision.

(2) In a case to which this regulation applies, a person has a right of appeal under section 12(2) of the Act in relation to the decision only if the Secretary of State has considered on an application whether to revise the decision under section 9 of the Act.

(3) The notice referred to in paragraph (1) must inform the person—

- (a) of the time limit specified in regulation 3(1) or (3) for making an application for a revision; and
- (b) that, where the notice does not include a statement of the reasons for the decision (“written reasons”), he may, within one month of the date of notification of the decision, request that the Secretary of State provide him with written reasons.

(4) Where written reasons are requested under paragraph (3)(b), the Secretary of State must provide them within 14 days of receipt of the request or as soon as practicable afterwards.

(5) Where, as the result of paragraph (2), there is no right of appeal against a decision, the Secretary of State may treat any purported appeal as an application for a revision under section 9 of the Act. ”.

(4) After regulation 3A (revision of child support decisions)⁽³⁾, insert—

(1) [S.I. 1999/991](#).

(2) Relevant instruments are [S.I. 1999/2570](#) and [S.I. 2002/1379](#). Regulation 3 was revoked, in so far as it relates to child benefit and guardian’s allowance, by [S.I. 2003/916](#).

(3) Regulation 3A was inserted by [S.I. 2000/3185](#) and was revoked, in so far as it relates to child benefit and guardian’s allowance, by [S.I. 2003/916](#).

“Consideration of revision before appeal in relation to certain child support decisions

3B.—(1) This regulation applies in a case where—

- (a) the Secretary of State gives a person written notice of a decision; and
- (b) that notice includes a statement to the effect that there is a right of appeal against the decision only if the Secretary of State has considered an application for a revision of the decision.

(2) In a case to which this regulation applies, a person has a right of appeal under section 20 of the Child Support Act 1991 (as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000) against the decision only if the Secretary of State has considered on an application whether to revise the decision under section 16 of that Act.

(3) The notice referred to in paragraph (1) must inform the person of the time limit specified in regulation 3A(1)(a) for making an application for a revision.

(4) Where, as the result of paragraph (2), there is no right of appeal against a decision, the Secretary of State may treat any purported appeal as an application for a revision under section 16 of that Act.

(5) In this regulation “decision” means a decision mentioned in section 20(1)(a) or (b) of the Child Support Act 1991 (as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000).”.

(5) In regulation 4 (late application for a revision)(4)—

- (a) in paragraph (3)(b), after “in accordance with” insert “regulation 3ZA(3)(b) or”;
- (b) at the end of paragraph (4)(b) insert “, except in a case to which regulation 3ZA or 3B applies.”;
- (c) in paragraph (6), after “extension of time” insert “, except in a case to which regulation 3ZA or 3B applies,”.

(6) After regulation 9ZA (review of certificates)(5), insert—

“Consideration of review before appeal

9ZB.—(1) This regulation applies in a case where—

- (a) the Secretary of State has issued a certificate of recoverable benefits or certificate of recoverable lump sum payments; and
- (b) that certificate is accompanied by a notice to the effect that there is a right of appeal in relation to the certificate only if the Secretary of State has considered an application for review of the certificate.

(2) In a case to which this regulation applies, a person has a right of appeal under section 11 of the 1997 Act against the certificate only if the Secretary of State has considered an application for review of the certificate under section 10 of that Act.”.

(7) In regulation 25 (other persons with a right of appeal)(6), after “section 12(2)” insert “, but subject to regulation 3ZA,”.

(8) In regulation 26 (decisions against which an appeal lies)(7), at the beginning insert “Subject to regulation 3ZA,”.

(4) Regulation 4(3) was amended by [S.I. 2005/337](#). Regulation 4(4) was amended by [S.I. 1999/2570](#). Regulation 4(6) was amended by [S.I. 2008/2683](#).

(5) Regulation 9ZA was inserted by [S.I. 2008/1596](#) and was amended by [S.I. 2008/2365](#) and [S.I. 2008/2683](#).

(6) Regulation 25 was amended by [S.I. 1999/2570](#), [2002/1379](#), [2004/3368](#) and by [S.I. 2008/2683](#) and was revoked, in so far as it relates to child benefit and guardian’s allowance, by [S.I. 2003/916](#).

(7) Regulation 26 was amended by [S.I. 1999/2570](#), [2000/1596](#), [2001/518](#), [2008/2683](#) and by [S.I. 2009/2715](#). Regulation 26 was revoked, in so far as it relates to child benefit and guardian’s allowance, by [S.I. 2003/916](#).

(9) For regulation 29(6) (further particulars required relating to certificate of recoverable benefits or, as the case may be, recoverable lump sum payments appeals)(**8**), substitute—

“(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.”

(10) Subject to regulation 8 (transitional and savings provisions) of these Regulations, omit the following—

- (a) “and 33” in regulation 9ZA(2) (review of certificates);
- (b) regulation 29(3) to (5) (further particulars required relating to certificate of recoverable benefits or, as the case may be, recoverable lump sum payments appeals);
- (c) regulation 32 (late appeals);
- (d) regulation 33 (notice of appeal); and
- (e) regulation 34 (death of a party to an appeal).

(8) Regulation 29(6) was amended by [S.I. 2008/1596](#) was revoked, in so far as it relates to child benefit and guardian’s allowance, by [S.I. 2003/916](#).