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## STATUTORY INSTRUMENTS

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### 2013 No. 381

#### The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013

### PART 7

#### APPEALS

##### Appeals against decisions which have been revised

**52.**—(1) An appeal against a decision of the Secretary of State does not lapse where—

- (a) the decision is revised under section 9 of the 1998 Act before the appeal is decided; and
- (b) the decision of the Secretary of State as revised is not more advantageous to the appellant than the decision before it was revised.

(2) In a case to which paragraph (1) applies, the appeal must be treated as though it had been brought against the decision as revised.

(3) The Secretary of State must inform the appellant that they may, within one month of the date of notification of the decision as revised, make further representations as to the appeal.

(4) After the end of that period, or within that period if the appellant consents in writing, the appeal to the First-tier Tribunal must proceed, except where—

- (a) the Secretary of State further revises the decision in light of further representations from the appellant; and
- (b) that decision is more advantageous to the appellant than the decision before it was revised.

(5) Decisions which are more advantageous for the purpose of this regulation include those where

- (a) the amount of any benefit payable to the appellant is greater, or any benefit is awarded for a longer period, as a result of the decision;
- (b) the decision would have resulted in the amount of benefit in payment being greater but for the operation of any provision of the Administration Act or the Contributions and Benefits Act restricting or suspending the payment of, or disqualifying a claimant from receiving, some or all of the benefit;
- (c) as a result of the decision, a denial or disqualification for the receipt of any benefit is lifted, wholly or in part;
- (d) the decision reverses a decision to pay benefit to a third party instead of to the appellant;
- (e) in consequence of the decision, benefit paid is not recoverable under section 71ZB, 71ZG or 71ZH of the Administration Act <sup>F1</sup> or regulations made under any of those sections, or the amount so recoverable is reduced; or
- (f) a financial gain accrued or will accrue to the appellant in consequence of the decision.

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**Changes to legislation:** There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013, Section 52. (See end of Document for details)

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**Annotations:**

**F1** [Sections 71ZB, 71ZG](#) and 71ZH were inserted by section 105 of the 2012 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013, Section 52.