

Status: Point in time view as at 08/09/1998.

Changes to legislation: Child Support Act 1991, SCHEDULE 3 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3 **E+W+S**

Section 21(4).

CHILD SUPPORT APPEAL TRIBUNALS

The President

- 1 (1) The person appointed ^{F1} . . . as President of the social security appeal tribunals, medical appeal tribunals and disability appeal tribunals shall, by virtue of that appointment, also be President of the child support appeal tribunals.
- (2) It shall be the duty of the President to arrange such meetings of the chairmen and members of child support appeal tribunals, and such training for them, as he considers appropriate.
- (3) The President may, with the consent of the Secretary of State as to numbers, remuneration and other terms and conditions of service, appoint such officers and staff as he thinks fit for the child support appeal tribunals and their full-time chairmen.

Textual Amendments

- F1** Words in Sch. 3 para. 1(1) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992](#) (c. 6), ss. 3(1), 7(2), [Sch.1](#) (subject as mentioned (6.3.1992) in [Local Government Finance Act 1992](#) (c. 14), s. 118(5)(7) (with s. 118(1)(2)(4))).

Membership of child support appeal tribunals

- 2 (1) A child support appeal tribunal shall consist of a chairman and two other persons.
- (2) The chairman and the other members of the tribunal must not all be of the same sex.
- (3) Sub-paragraph (2) shall not apply to any proceedings before a child support appeal tribunal if the chairman of the tribunal rules that it is not reasonably practicable to comply with that sub-paragraph in those proceedings.
- [^{F2}(4) This paragraph is subject to the provisions of any regulations made under paragraph 9 of Schedule 4A.]

Textual Amendments

- F2** Sch. 3 para. 2(4) added (2.12.1996) by [Child Support Act 1995](#) (c. 34), s. 30(4), [Sch. 3 para. 17](#); [S.I. 1996/2630](#), art. 2, [Sch. Pt. 2](#)

The chairmen

- 3 (1) The chairman of a child support appeal tribunal shall be nominated by the President.

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- (2) The President may nominate himself or a person drawn—
- (a) from the appropriate panel appointed by the Lord Chancellor, or (as the case may be) the Lord President of the Court of Session, under section 7 of the ^{M1}Tribunals and Inquiries Act 1971;
 - (b) from among those appointed under paragraph 4; or
 - (c) from among those appointed ^{F3}. . . to act as full-time chairmen of social security appeal tribunals.
- (3) Subject to any regulations made by the Lord Chancellor, no person shall be nominated as a chairman of a child support appeal tribunal by virtue of sub-paragraph (2)(a) unless he has a 5 year general qualification or is an advocate or solicitor in Scotland of 5 years' standing.

Textual Amendments

F3 Words in [Sch. 3 para. 3\(2\)\(c\)](#) repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3(1), 7(2), [Sch.1](#) (subject as mentioned (6.3.1992) in [Local Government Finance Act 1992 \(c. 14\)](#)), [s. 118\(5\)\(7\)](#) (with [s. 118\(1\)\(2\)\(4\)](#))).

Commencement Information

II [Sch. 3 para. 3](#) wholly in force; [para. 3](#) not in force at Royal Assent see [s. 58\(2\)](#); [para. 3\(3\)](#) in force at 17.6.1992 by [S.I. 1992/1431](#), [art. 2](#), [Sch.](#); [para. 3](#) in force in so far as not already in force at 1.9.1992 by [S.I. 1992/1938](#), [art. 2](#)

Marginal Citations

M1 1971 c. 62.

- 4 (1) The Lord Chancellor may appoint regional and other full-time chairmen for child support appeal tribunals.
- (2) A person is qualified to be appointed as a full-time chairman if he has a 7 year general qualification or is an advocate or solicitor in Scotland of 7 years' standing.
- (3) A person appointed to act as a full-time chairman shall hold and vacate office in accordance with the terms of his appointment, except that he must vacate his office [^{F4}on the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75)].
- ^{F5}(4)
- (5) A person appointed as a full-time chairman may be removed from office by the Lord Chancellor, on the ground of misbehaviour or incapacity.
- (6) Section 75 of the ^{M2}Courts and Legal Services Act 1990 (judges etc. barred from legal practice) shall apply to any person appointed as a full-time chairman under this Schedule as it applies to any person holding as a full-time appointment any of the offices listed in Schedule 11 to that Act.
- (7) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of persons appointed as full-time chairmen under this paragraph as, with the consent of the Treasury, he may determine.

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- [^{F6}(8) Sub-paragraph (7), so far as relating to pensions, allowances or gratuities, shall not have effect in relation to any person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.]

Textual Amendments

- F4** Words in Sch. 3 para. 4(3) substituted (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\)](#), s. 31(2), **Sch. 6 para. 23(1)(a)** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, art. 2
- F5** Sch. 3 para. 4(4) repealed (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\)](#), s. 31(2), Sch. 6 para. 23(1)(b), **Sch. 9** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, art. 2
- F6** Sch. 3 para. 4(8) added (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\)](#), s. 31(2), **Sch. 8 para. 21(1)**; S.I. 1995/631, art. 2

Marginal Citations

- M2** 1990 c. 41.

Other members of child support appeal tribunals

- 5 (1) The members of a child support appeal tribunal other than the chairman shall be drawn from the appropriate panel constituted under this paragraph.
- (2) The panels shall be constituted by the President for the whole of Great Britain, and shall—
- act for such areas; and
 - be composed of such persons,
- as the President thinks fit.
- (3) The panel for an area shall be composed of persons appearing to the President to have knowledge or experience of conditions in the area and to be representative of persons living or working in the area.
- (4) Before appointing members of a panel, the President shall take into consideration any recommendations from such organisations or persons as he considers appropriate.
- (5) The members of the panels shall hold office for such period as the President may direct.
- (6) The President may at any time terminate the appointment of any member of a panel.

Clerks of tribunals

- 6 (1) Each child support appeal tribunal shall be serviced by a clerk appointed by the President.
- (2) The duty of summoning members of a panel to serve on a child support appeal tribunal shall be performed by the clerk to the tribunal.

Expenses of tribunal members and others

- 7 (1) The Secretary of State may pay—

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- (a) to any member of a child support appeal tribunal, such remuneration and travelling and other allowances as the Secretary of State may determine with the consent of the Treasury;
 - (b) to any person required to attend at any proceedings before a child support appeal tribunal, such travelling and other allowances as may be so determined; and
 - (c) such other expenses in connection with the work of any child support appeal tribunal as may be so determined.
- (2) In sub-paragraph (1), references to travelling and other allowances include references to compensation for loss of remunerative time.
- (3) No compensation for loss of remunerative time shall be paid to any person under this paragraph in respect of any time during which he is in receipt of other remuneration so paid.

Consultation with Lord Advocate

- 8 Before exercising any of his powers under paragraph 3(3) or 4(1), ^{F7}... or (5), the Lord Chancellor shall consult the Lord Advocate.

Textual Amendments

- F7** Word in Sch. 3 para. 8 repealed (31.3.1995) by [Judicial Pensions and Retirement Act 1993 \(c. 8\)](#), s. 31(2), [Sch. 9](#); [S.I. 1995/631](#), art. 2

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