
STATUTORY INSTRUMENTS

1999 No. 1305

The Child Support Commissioners (Procedure) Regulations 1999

PART I

GENERAL PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Child Support Commissioners (Procedure) Regulations 1999 and shall come into force on 1st June 1999.

Revocation

2. The following Regulations are revoked to the extent that they relate to proceedings before the Child Support Commissioners—

- (a) the Child Support Commissioners (Procedure) Regulations 1992 ^{M1};
- (b) the Child Support Commissioners (Procedure) (Amendment) Regulations 1996 ^{M2};
- (c) the Social Security (Adjudication) and Commissioners Procedure and Child Support Commissioners (Procedure) Amendment Regulations 1997 ^{M3}; and
- (d) the Child Support Commissioners (Procedure) (Amendment) Regulations 1997 ^{M4}.

Marginal Citations

M1 1992/2640.

M2 [S.I. 1996/243](#).

M3 [S.I. 1997/955](#).

M4 [S.I. 1997/802](#).

Transitional provisions

3.—(1) Subject to paragraphs (2) and (3), these Regulations shall apply to all proceedings before the Commissioners on or after 1st June 1999.

(2) In relation to any appeal or application for leave to appeal from any child support appeal tribunal constituted under the Act, these Regulations shall have effect with the modifications that—

- (a) “appeal tribunal” includes a reference to any such tribunal;
- (b) “Secretary of State” includes a reference to a child support officer;
- (c) “three months” shall be substituted for “one month” in regulation 10(1) and “42 days” shall be substituted for “one month” in regulations 11(2) and 15(1); and

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(d) under regulation 11 a Commissioner may for special reasons accept an application for leave to appeal even though the applicant has not sought to obtain leave to appeal from the chairman.

(3) Any transitional question arising under any application or appeal in consequence of the coming into force of these Regulations shall be determined by a Commissioner who may for this purpose give such directions as he may think just, including modifying the normal requirements of these Regulations in relation to the application or appeal.

Interpretation

4. In these Regulations, unless the context otherwise requires—

[^{F1}“the 1999 Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999;]

“the Act” means the Child Support Act 1991;

“appeal tribunal” means an appeal tribunal constituted under Chapter 1 of Part I of the Social Security Act 1998 ^{M5};

“authorised officer” means an officer authorised by the Lord Chancellor, or in Scotland by the Secretary of State, in accordance with paragraph 4A of Schedule 4 to the Act ^{M6};

“the chairman” for the purposes of regulations 10, 11 and 12 means—

(i) the person who was the chairman or sole member of the appeal tribunal which gave the decision against which leave to appeal is being sought; ^{F2}...

(ii) ^{F3}...

“Commissioner” means a Child Support Commissioner;

[^{F4}“funding notice” means the notice or letter from the Legal Services Commission confirming that legal services are to be funded;

“legal aid certificate” means the certificate issued by the Scottish Legal Aid Board confirming that legal services are to be funded;]

“legally qualified” means being a solicitor or barrister, or in Scotland, a solicitor or advocate;

[^{F5}“Legal Services Commission” means the Legal Services Commission established under section 1 of the Access to Justice Act 1999;

“live television link” means a television link or other audio and video facilities which allow a person who is not physically present at an oral hearing to see and hear proceedings and be seen and heard by all others who are present (whether physically present or otherwise);]

“month” means a calendar month;

“office” means an Office of the Child Support Commissioners;

[^{F6}“panel member” means a person appointed to the panel constituted under section 6 of the Social Security Act 1998 and who—

(i) has a general qualification (construed in accordance with section 71 of the Courts and Legal Services Act 1990);

(ii) is a member of the Bar of Northern Ireland or a Solicitor of the Supreme Court of Northern Ireland; or

(iii) is an advocate or solicitor in Scotland.]

“party” means a party to the proceedings;

“proceedings” means any proceedings before a Commissioner, whether by way of an application for leave to appeal to, or from, a Commissioner, by way of an appeal or otherwise;

“respondent” means any person other than the applicant or appellant who was a party to the proceedings before the appeal tribunal and any other person who, pursuant to a direction given under regulation 18 is served with notice of the appeal; ^{F7} ...

[^{F8}“Scottish Legal Aid Board” means the Scottish Legal Aid Board established under section 1 of the Legal Aid (Scotland) Act 1986; and]

“summons”, in relation to Scotland, corresponds to “citation” and regulation 23 shall be construed accordingly.

Textual Amendments

- F1** Words in reg. 4 inserted (28.2.2005) by Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(3)(a)**
- F2** Word in reg. 4 omitted (28.2.2005) by virtue of Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(3)(b)(i)**
- F3** Words in reg. 4 omitted (28.2.2005) by virtue of Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(3)(b)(ii)**
- F4** Words in reg. 4 inserted (28.2.2005) by Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(3)(c)**
- F5** Words in reg. 4 inserted (28.2.2005) by Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(3)(d)**
- F6** Words in reg. 4 inserted (28.2.2005) by Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(3)(e)**
- F7** Word in reg. 4 omitted (28.2.2005) by virtue of Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(3)(f)(i)**
- F8** Words in reg. 4 inserted (28.2.2005) by Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(3)(f)(ii)**

Marginal Citations

- M5** 1998 c. 14.
- M6** Paragraph 4A was inserted by section 17(1) of the Child Support Act 1995 (c. 34).

General powers of a Commissioner

5.—(1) Subject to the provisions of these Regulations, a Commissioner may adopt any procedure in relation to proceedings before him.

(2) A Commissioner may—

- (a) extend or abridge any time limit under these Regulations (including, subject to regulations 11(3) and 15(2), granting an extension where the time limit has expired);
- (b) expedite, postpone or adjourn any proceedings.

(3) Subject to paragraph (4), a Commissioner may, on or without the application of a party, strike out any proceedings for want of prosecution or abuse of process.

(4) Before making an order under paragraph (3), the Commissioner shall send notice to the party against whom it is proposed that it should be made giving him an opportunity to make representations why it should not be made.

(5) A Commissioner may, on application by the party concerned, give leave to reinstate any proceedings which have been struck out in accordance with paragraph (3) and, on giving leave, he may give directions as to the conduct of the proceedings.

(6) Nothing in these Regulations shall affect any power which is exercisable apart from these Regulations.

Transfer of proceedings between Commissioners

6. If it becomes impractical or inexpedient for a Commissioner to continue to deal with proceedings which are or have been before him, any other Commissioner may rehear or deal with those proceedings and any related matters.

Delegation of functions to authorised officers

7.—(1) The following functions of Commissioners may be exercised by legally qualified authorised officers, to be known as legal officers to the Commissioners—

- (a) giving directions under regulations 8, 18 and 19;
- (b) determining requests for or directing hearings under regulation 21;
- (c) summoning witnesses, and setting aside a summons made by a legal officer, under regulation 23;
- (d) postponing a hearing under regulation 5;
- (e) giving leave to withdraw or reinstate applications or appeals under regulation 24;
- (f) waiving irregularities under regulation 25 in connection with any matter being dealt with by a legal officer;
- (g) extending or abridging time, directing expedition, giving notices, striking out and reinstating proceedings under regulation 5.

(2) Any party may, within 14 days of being sent notice of the direction or order of a legal officer, make a written request to a Commissioner asking him to reconsider the matter and confirm or replace the direction or order with his own, but, unless ordered by a Commissioner, a request shall not stop proceedings under the direction or order.

Manner of and time for service of notices, etc.

8.—(1) A notice to or other document for any party shall be deemed duly served if it is—

- (a) delivered to him personally; or
- (b) properly addressed and sent to him by prepaid post at the address last notified by him for this purpose, or to his ordinary address; or
- [^{F9}(ba) subject to paragraph (1A), sent by e-mail; or]
- (c) served in any other manner a Commissioner may direct.

[^{F10}(1A) A document may be served by e-mail on any party if the recipient has informed the person sending the e-mail in writing—

- (a) that he is willing to accept service by e-mail;
- (b) of the e-mail address to which the documents should be sent; and
- (c) if the recipient wishes to so specify, the electronic format in which documents must be sent.]

(2) A notice to or other document for a Commissioner shall be delivered or sent to the office.

- [^{F11}(a) delivered to the office in person;
- (b) sent to the office by prepaid post;
- (c) sent to the office by fax; or
- (d) where the office has given written permission in advance, sent to the office by e-mail]

(3) For the purposes of any time limit, a properly addressed notice or other document sent by prepaid post, fax or e-mail is effective from the date it is sent.

Textual Amendments

- F9** Reg. 8(1)(ba) inserted (28.2.2005) by Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(4)(a)**
- F10** Reg. 8(1A) inserted (28.2.2005) by Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(4)(b)**
- F11** Reg. 8(2)(a)-(d) substituted (28.2.2005) by Social Security and Child Support Commissioners (Procedure) (Amendment) Regulations 2005 (S.I. 2005/207), regs. 1(1), **3(4)(c)**

Confidentiality

9.—(1) Subject to paragraphs (3) and (4), the office shall not disclose information such as is mentioned in paragraph (2) except with the written consent of the person to whom the information relates or, in the case of a child, with the written consent of the person with care of him.

(2) The information referred to in paragraph (1) is any information provided under the Act which—

- (a) relates to any person whose circumstances are relevant to the proceedings; and
- (b) consists of that person's address or other information which could reasonably be expected to lead to him being located.

(3) Where—

- (a) the office sends a notice to a person to whom information relates stating that the information may be disclosed in the course of proceedings unless he objects within one month of the date of the notice; and
- (b) written notice of that person's objection is not received at the office within one month of the date of the notice,

then the information may be disclosed in the course of the proceedings.

(4) Where the person to whom information relates is a child, the office shall send the notice referred to in paragraph (3)(a) to the person with care of the child and where written notice of that person's objection is not received at the office within one month of the date of the notice, then the information may be disclosed in the course of the proceedings.

(5) This regulation does not apply to proceedings which relate solely to a reduced benefits direction within the meaning of section 46(11) of the Act ^{M7}.

Marginal Citations

- M7** Section 46(11) of the Act was amended by section 86 of, and paragraph 43 of Schedule 7 to, the Social Security Act 1998 (c. 14).

[^{F12}Funding of legal services

9A.—(1) If a party is granted funding of legal services at any time, he shall—

- (a) where funding is granted by the Legal Services Commission, send a copy of the funding notice to the office;
- (b) where funding is granted by the Scottish Legal Aid Board, send a copy of the legal aid certificate to the office; and
- (c) notify every other party that funding has been granted.]

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Textual Amendments

F12 Reg. 9A inserted (28.2.2005) by [Social Security and Child Support Commissioners \(Procedure\) \(Amendment\) Regulations 2005 \(S.I. 2005/207\)](#), regs. 1(1), **3(5)**

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2008/2683 Sch. 2](#)