

STATUTORY INSTRUMENTS

**1999 No. 991**

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

**PART V**

**APPEAL TRIBUNALS FOR SOCIAL SECURITY CONTRACTING  
OUT OF PENSIONS VACCINE DAMAGE AND CHILD SUPPORT**

**CHAPTER I**

**THE PANEL AND APPEAL TRIBUNALS**

**Persons appointed to the panel**

**35.** <sup>F1</sup>For the purposes of section 6(3), the panel shall include persons with the qualifications specified in Schedule 3.]

**Textual Amendments**

**F1** Regs. 35-38 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007](#) (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 124** (with arts. 3(2)(b) , 4 )

**Composition of appeal tribunals**

**36.**—( 1 ) <sup>F1</sup> Subject to the following provisions of this regulation, an appeal tribunal <sup>F2</sup> ... shall consist of a legally qualified panel member. ]

<sup>F3</sup>(2) Subject to <sup>F4</sup>[paragraphs (3) to (5) <sup>F5</sup>and (8)]], an appeal tribunal shall consist of a legally qualified panel member and—

(a) <sup>F1</sup>a medically qualified panel member where—

(i) the issue, or one of the issues, raised on the appeal is whether the <sup>F6</sup>[personal capability assessment] is satisfied; or

(ii) the appeal is made under section 11(1)(b) of the 1997 Act; or

<sup>F7</sup>[ the appeal is made under section 157(1) of the Health and Social Care (Community <sup>F8</sup>(iii) Health and Standards) Act 2003; or]]]

<sup>F1</sup>( b ) .....

<sup>F1</sup>( 3 ) .....

<sup>F1</sup>( 4 ) .....

( 5 ) [<sup>F1</sup>Where the composition of an appeal tribunal is prescribed under [<sup>F9</sup>paragraph (1), (2) (a)] [<sup>F10</sup>or (3)], the President may determine that the appeal tribunal shall include such an additional member drawn from the panel constituted under section 6 as he considers appropriate for the purposes of providing further experience for that additional member or for assisting the President in the monitoring of standards of decision making by panel members.]

<sup>F1</sup>( 6 ) .....

<sup>F1</sup>( 7 ) .....

[<sup>F11</sup>(8) [<sup>F1</sup>A person shall not act as a medically qualified panel member of an appeal tribunal in any appeal if he has at any time advised or prepared a report upon any person whose medical condition is relevant to the issue in the appeal, or has at any time regularly attended such a person.]]

<sup>F12</sup>( 9 ) .....

**Textual Amendments**

- F1** Regs. 35-38 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 124** (with arts. [3\(2\)\(b\)](#) , [4](#) )
- F2** Words in reg. 36(1) omitted (19.6.2000) by [The Social Security and Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(SI 2000/1596\)](#) , reg. 1(1), [24\(a\)](#)
- F3** Reg. 36(2) substituted (1.6.1999) by [The Social Security and Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(SI 1999/1466\)](#) , reg. 1, [2\(a\)](#)
- F4** Words in reg. 36(2) substituted (19.6.2000) by [The Social Security and Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(SI 2000/1596\)](#) , reg. 1(1), [24\(b\)](#)
- F5** Words in reg. 36(2) substituted (21.12.2004) by [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#) , regs. 1 , **2(4)(a)**
- F6** Words in reg. 36(2)(a)(i) substituted (19.6.2000) by [The Social Security and Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(SI 2000/1596\)](#) , reg. 1(1), [24\(c\)](#)
- F7** Reg. 36(2)(a)(iii) inserted (1.4.2007) by [Health and Social Care \(Community Health and Standards\) Act 2003 Supplementary Provisions \(Recovery of NHS Charges\) \(Scotland\) Order 2007 \(S.S.I. 2007/223\)](#) , arts. [1\(1\)](#) , **2**
- F8** Reg. 36(2)(a)(iii) inserted (13.4.2007) by [Health and Social Care \(Community Health and Standards\) Act 2003 Consequential Provisions \(Recovery of NHS Charges\) Order 2007 \(S.I. 2007/917\)](#) , arts. [1\(1\)](#) , **2**
- F9** Words in reg. 36(5) substituted (1.6.1999) by [The Social Security and Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(SI 1999/1466\)](#) , reg. 1, [2\(b\)](#)
- F10** Words in reg. 36(5) substituted (21.12.2004) by [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#) , regs. 1 , **2(4)(b)**
- F11** Reg. 36(8)(9) inserted (19.6.2000) by [The Social Security and Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(SI 2000/1596\)](#) , reg. 1(1), [24\(h\)](#)
- F12** Reg. 36(9) omitted (21.12.2004) by virtue of [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#) , regs. 1 , **2(4)(c)**

**Modifications etc. (not altering text)**

- C1** Reg. 36 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#) , regs. [1\(1\)](#) , **8**
- C2** Reg. 36(1)(5) applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#) , regs. [1\(1\)](#) , **8** (with reg. [8\(4\)](#) )

### Assignment of clerks to appeal tribunals: function of clerks

37. <sup>[F1]</sup>The Secretary of State shall assign a clerk to service each appeal tribunal and the clerk so assigned shall be responsible for summoning members of the panel constituted under section 6 to serve on the tribunal.]

#### Textual Amendments

- F1** Regs. 35-38 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 124** (with arts. 3(2)(b) , 4 )

## CHAPTER II

### PROCEDURE IN CONNECTION WITH DETERMINATION OF APPEALS AND REFERRALS

#### Consideration and determination of appeals and referrals

38 .—<sup>[F1]</sup>(1) The procedure in connection with the consideration and determination of an appeal or a referral shall, subject to the following provisions of these Regulations, be such as a legally qualified panel member shall determine.

(2) A legally qualified panel member may give directions requiring a party to the proceedings to comply with any provision of these Regulations and may at any stage of the proceedings, either of his own motion or on a written application made to the clerk to the appeal tribunal by any party to the proceedings, give such directions as he may consider necessary or desirable for the just, effective and efficient conduct of the proceedings and may direct any party to the proceedings to provide such particulars or to produce such documents as may be reasonably required.

(3) Where a clerk to the appeal tribunal is authorised to take steps in relation to the procedure of the tribunal he may give directions requiring any party to the proceedings to comply with any provision of these Regulations.]

#### Textual Amendments

- F1** Regs. 35-38 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 124** (with arts. 3(2)(b) , 4 )

#### Modifications etc. (not altering text)

- C3** Reg. 38 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , **8**
- C4** Reg. 38 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , **8** (with reg. 8(4) )

#### <sup>[F13]</sup>Appeals raising issues for decision by officers of Inland Revenue

38A.—(1) Where <sup>[F14]</sup>a person has appealed to <sup>[F15]</sup>the First-tier Tribunal and it appears to the First-tier Tribunal, ] , ] that an issue arises which, by virtue of section 8 of the Transfer Act, falls to be decided by an officer of the Board, that tribunal <sup>F16</sup> ... shall—

- (a) refer the appeal to the Secretary of State pending the decision of that issue by an officer of the Board; and
  - (b) require the Secretary of State to refer that issue to the Board;
- and the Secretary of State shall refer that issue accordingly.

(2) Pending the final decision of any issue which has been referred to the Board in accordance with paragraph (1) above, the Secretary of State may revise the decision under appeal, or make a further decision superseding that decision, in accordance with his determination of any issue other than one which has been so referred.

(3) On receipt by the Secretary of State of the final decision of an issue which has been referred in accordance with paragraph (1) above, he shall consider whether the decision under appeal ought to be revised under section 9 or superseded under section 10, and—

- (a) if so, revise it or, as the case may be, make a further decision which supersedes it; or
- (b) if not, forward the appeal to the <sup>[F17]</sup>First-tier Tribunal] which shall determine the appeal in accordance with the final decision of the issue so referred.

(4) In paragraphs (2) and (3) above, “final decision” has the same meaning as in regulation 11A(3) and (4).]

#### Textual Amendments

- F13** Reg. 38A inserted (5.7.1999) by [The Social Security and Child Support \(Decisions and Appeals\) Amendment \(No. 3\) Regulations 1999 \(S.I. 1999/1670\)](#) , regs. 1(1) , **2(4)**
- F14** Words in reg. 38A(1) substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **12(a)**
- F15** Words in reg. 38A(1) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 125(a)(i)**
- F16** Words in reg. 38A(1) omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 125(a)(ii)**
- F17** Words in reg. 38A(3)(b) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 125(b)**

#### <sup>[F18]</sup>Choice of hearing

**39** .—<sup>[F19]</sup>(1) Where an appeal or a referral is made to an appeal tribunal the appellant and any other party to the proceedings shall notify the clerk to the appeal tribunal, on a form approved by the Secretary of State, whether he wishes to have an oral hearing of the appeal or whether he is content for the appeal or referral to proceed without an oral hearing.

(2) Except in the case of a referral, the form shall include a statement informing the appellant that, if he does not notify the clerk to the appeal tribunal as required by paragraph (1) within the period specified in paragraph (3), the appeal may be struck out in accordance with regulation 46(1).

(3) Notification in accordance with paragraph (1)—

- (a) if given by the appellant or a party to the proceedings other than the Secretary of State, must be sent or given to the clerk to the appeal tribunal within 14 days of the date on which the form is issued to him; or
- (b) if given by the Secretary of State, must be sent or given to the clerk—
  - (i) in the case of an appeal, within 14 days of the date on which the form is issued to the appellant; or

(ii) in the case of a referral, on the date of referral,  
or within such longer period as the clerk may direct.

(4) Where an oral hearing is requested in accordance with paragraphs (1) and (3) the appeal tribunal shall hold an oral hearing unless the appeal is struck out under regulation 46(1).]

(5) The chairman, or in the case of an appeal tribunal which has only one member, that member, may of his own motion direct that an oral hearing of the appeal or referral be held if he is satisfied that such a hearing is necessary to enable the appeal tribunal to reach a decision.].

#### Textual Amendments

- F18** Reg. 39(1)-(4) and heading substituted (21.12.2004) by [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#) , regs. 1 , **2(5)**
- F19** Regs. 39-47 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

#### Modifications etc. (not altering text)

- C5** Reg. 39 applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#) , regs. 1(1) , **8** (with reg. 8(4) )
- C6** Reg. 39 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#) , regs. 1(1) , **8**

#### Withdrawal of appeal or referral

**40** .—<sup>F19</sup>(1) An appeal may be withdrawn by the appellant or an authorised representative of the appellant and a referral may be withdrawn by the [<sup>F20</sup>Secretary of State]<sup>F20</sup>the Board or an officer of the Board.]], as the case may be, either—

- (a) at an oral hearing; or  
(b) at any other time before the appeal or referral is determined, by giving notice in writing of withdrawal to the clerk to the appeal tribunal.

(2) If an appeal or a referral is withdrawn (as the case may be) in accordance with paragraph (1) (a), the clerk to the appeal tribunal shall send a notice in writing to any party to the proceedings who is not present when the appeal or referral is withdrawn, informing him that the appeal or referral (as the case may be) has been withdrawn.

(3) If an appeal or a referral is withdrawn (as the case may be) in accordance with paragraph (1) (b), the clerk to the appeal tribunal shall send a notice in writing to every party to the proceedings informing them that the appeal or referral (as the case may be) has been withdrawn.].

#### Textual Amendments

- F19** Regs. 39-47 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F20** Words in reg. 40(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#) , regs. 1 , **25**

*Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART V. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C7** Reg. 40 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#) , regs. 1(1) , **8**
- C8** Reg. 40 applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#) , regs. 1(1) , **8** (with reg. 8(4) )

**Medical examination required by appeal tribunal**

<sup>F19</sup> **41** . . . . .

**Textual Amendments**

- F19** Regs. 39-47 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

**Non-disclosure of medical advice or evidence**

**42** .—<sup>F19</sup>(1) Where, in connection with the consideration and determination of an appeal or referral there is before an appeal tribunal medical advice or medical evidence relating to a person which has not been disclosed to him and in the opinion of the chairman, or in the case of an appeal tribunal which has only one member, in the opinion of that member, the disclosure to that person of that advice or evidence would be harmful to his health, such advice or evidence shall not be required to be disclosed to that person.

(2) Advice or evidence such as is mentioned in paragraph (1) shall not be disclosed to any person acting for or representing the person to whom it relates or, in a case where a claim for benefit is made by reference to the disability of a person other than the claimant and the advice or evidence relates to that other person, shall not be disclosed to the claimant or any person acting for or representing him, unless the chairman, or in the case of an appeal tribunal which has only one member, that member, is satisfied that it is in the interests of the person to whom the advice or evidence relates to do so.

(3) A tribunal shall not be precluded from taking into account for the purposes of the determination advice or evidence which has not been disclosed to a person under the provisions of paragraph (1) or (2).]

**Textual Amendments**

- F19** Regs. 39-47 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

**Modifications etc. (not altering text)**

- C9** Reg. 42 applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#) , regs. 1(1) , **8** (with reg. 8(4) )
- C10** Reg. 42 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#) , regs. 1(1) , **8**

### Summoning of witnesses and administration of oaths

**43 .—**<sup>F19</sup>(1) A chairman, or in the case of an appeal tribunal which has only one member, that member, may by summons, or in Scotland, by citation, require any person in Great Britain to attend as a witness at a hearing of an appeal, application or referral at such time and place as shall be specified in the summons or citation and, subject to paragraph (2), at the hearing to answer any question or produce any documents in his custody or under his control which relate to any matter in question in the appeal, application or referral but—

- (a) no person shall be required to attend in obedience to such summons or citation unless he has been given at least 14 days' notice of the hearing or, if less than 14 days' notice is given, he has informed the tribunal that the notice given is sufficient; and
- (b) no person shall be required to attend and give evidence or to produce any document in obedience to such summons or citation unless the necessary expenses of attendance are paid or tendered to him.

(2) No person shall be compelled to give any evidence or produce any document or other material that he could not be compelled to give or produce on a trial of an action in a court of law in that part of Great Britain where the hearing takes place.

(3) In exercising the powers conferred by this regulation, the chairman, or in the case of an appeal tribunal which has only one member, that member, shall take into account the need to protect any matter that relates to intimate personal or financial circumstances, is commercially sensitive, consists of information communicated or obtained in confidence or concerns national security.

(4) Every summons or citation issued under this regulation shall contain a statement to the effect that the person in question may apply in writing to a chairman to vary or set aside the summons or citation.

(5) A chairman, or in the case of an appeal tribunal which has only one member, that member, may require any witness, including a witness summoned under the powers conferred by this regulation, to give evidence on oath or affirmation and for that purpose there may be administered an oath or affirmation in due form.]

#### Textual Amendments

**F19** Regs. 39-47 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

#### Modifications etc. (not altering text)

**C11** Reg. 43 applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#) , regs. 1(1) , **8** (with reg. 8(4) )

**C12** Reg. 43 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#) , regs. 1(1) , **8**

### Confidentiality in child support appeals or referrals

<sup>F19</sup> **44 .** . . . . .

*Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART V. (See end of Document for details)*

**Textual Amendments**

**F19** Regs. 39-47 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

**Procedure following a referral under section 28D(1)(b) of the Child Support Act**

**F19** **45** . . . . .

**Textual Amendments**

**F19** Regs. 39-47 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

**CHAPTER III**

**STRIKING OUT APPEALS**

**Appeals which may be struck out**

**46** .—<sup>F19</sup>(1) Subject to paragraphs (2) and (3), an appeal may be struck out by the clerk to the appeal tribunal—

- (a) where it is an out of jurisdiction appeal and the appellant has been notified by the Secretary of State that an appeal brought against such a decision may be struck out;
- (b) for want of prosecution including an appeal not made within the time specified in these Regulations; <sup>F21</sup> ...
- (c) <sup>F22</sup> ... for failure of the appellant to comply with a direction given under these Regulations where the appellant has been notified that failure to comply with the direction could result in the appeal being struck out [<sup>F23</sup> ; or ]

<sup>F24</sup>(d) for failure of the appellant to notify the clerk to the appeal tribunal, in accordance with regulation 39, whether or not he wishes to have an oral hearing of his appeal.]

(2) Where the clerk to the appeal tribunal determines to strike out the appeal, he shall notify the appellant that his appeal has been struck out and of the procedure for reinstatement of the appeal as specified in regulation 47.

(3) The clerk to the appeal tribunal may refer any matter for determination under this regulation to a legally qualified panel member for decision by the panel member rather than the clerk to the appeal tribunal.

<sup>F25</sup>( 4 ) . . . . .]

**Textual Amendments**

**F19** Regs. 39-47 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

**F21** Word in reg. 46(1)(b) omitted (21.12.2004) by virtue of [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#) , regs. 1 , **2(6)(a)(i)**



- F22** Words in reg. 46(1)(c) omitted (21.12.2004) by virtue of Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) , regs. 1 , **2(6)(a)(ii)**
- F23** Word in reg. 46(1)(c) added (21.12.2004) by Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) , regs. 1 , **2(6)(a)(ii)**
- F24** Reg. 46(1)(d) added (21.12.2004) by Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) , regs. 1 , **2(6)(a)(iii)**
- F25** Reg. 46(4) omitted (21.12.2004) by virtue of Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) , regs. 1 , **2(6)(b)**

**Modifications etc. (not altering text)**

- C13** Reg. 46 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , **8**
- C14** Reg. 46 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , **8** (with reg. 8(4) )

**Reinstatement of struck out appeals**

**47 .—**<sup>F19</sup><sup>F26</sup>(1) The clerk to the appeal tribunal may reinstate an appeal which has been struck out in accordance with regulation <sup>F27</sup>46(1)(d)] where—

- (a) the appellant has made representations to him or, as the case may be, further representations in support of his appeal with reasons why he considers that his appeal should not have been struck out;
- (b) the representations are made in writing within one month of the order to strike out the appeal being issued; and
- (c) the clerk is satisfied in the light of those representations that there are reasonable grounds for reinstating the appeal

but if the clerk is not satisfied that there are reasonable grounds for reinstatement a legally qualified panel member shall consider whether the appeal should be reinstated in accordance with paragraph (2).]

<sup>F28</sup>(2)] A legally qualified panel member may reinstate an appeal which has been struck out in accordance with regulation 46 <sup>F29</sup> ... where—

- (a) the appellant has made representations, or as the case may be, further representations in support of his appeal with reasons why he considers that his appeal should not have been struck out, to the clerk to the appeal tribunal, in writing within one month of the order to strike out the appeal being issued, and the panel member is satisfied in the light of those representations that there are reasonable grounds for reinstating the appeal;

<sup>F30</sup>(b) . . . . .

- (c) the panel member is satisfied that the appeal is not an appeal which may be struck out under regulation 46; or
- (d) the panel member is satisfied that notwithstanding that the appeal is one which may be struck out under regulation 46, it is not in the interests of justice for the appeal to be struck out.]

*Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART V. (See end of Document for details)*

**Textual Amendments**

- F19** Regs. 39-47 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F26** Reg. 47(1) inserted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **13**
- F27** Word in reg. 47(1) substituted (21.12.2004) by Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) , regs. 1 , **2(7)(a)**
- F28** Reg. 47(2) reg. 47 re-numbered reg. 47(2) (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **13**
- F29** Words in reg. 47(2) omitted (21.12.2004) by virtue of Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) , regs. 1 , **2(7)(b)(i)**
- F30** Reg. 47(2)(b) omitted (21.12.2004) by virtue of Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) , regs. 1 , **2(7)(b)(ii)**

**Modifications etc. (not altering text)**

- C15** Reg. 47 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , **8** (with reg. 8(4) )
- C16** Reg. 47 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , **8**

**Misconceived appeals**

<sup>F31</sup> **48** . . . . .

**Textual Amendments**

- F31** Reg. 48 omitted (21.12.2004) by virtue of Social Security, Child Support and Tax Credits (Decisions and Appeals) Amendment Regulations 2004 (S.I. 2004/3368) , regs. 1 , **2(8)**

**CHAPTER IV**

**ORAL HEARINGS**

**Procedure at oral hearings**

**49** .—<sup>F32</sup>(1) Subject to the following provisions of this Part, the procedure for an oral hearing shall be such as the chairman, or in the case of an appeal tribunal which has only one member, such as that member, shall determine.

(2) Except where paragraph (3) applies, not less than 14 days notice (beginning with the day on which the notice is given and ending on the day before the hearing of the appeal is to take place) of the time and place of any oral hearing of an appeal shall be given to every party to the proceedings, and if such notice has not been given to a person to whom it should have been given under the provisions of this paragraph the hearing may proceed only with the consent of that person.

(3) Any party to the proceedings may waive his right to receive not less than 14 days notice of the time and place of any oral hearing by giving notice to the clerk to the appeal tribunal.

(4) If a party to the proceedings to whom notice has been given under paragraph (2) fails to appear at the hearing the chairman, or in the case of an appeal tribunal which has only one member,

that member, may, having regard to all the circumstances including any explanation offered for the absence, proceed with the hearing notwithstanding his absence, or give such directions with a view to the determination of the appeal as he may think proper.

(5) If a party to the proceedings has waived his right to be given notice under paragraph (2) the chairman, or in the case of an appeal tribunal which has only one member, that member, may proceed with the hearing notwithstanding his absence.

[<sup>F33</sup>(6) An oral hearing shall be in public except where the chairman, or in the case of an appeal tribunal which has only one member, that member, is satisfied that it is necessary to hold the hearing, or part of the hearing, in private—

- (a) in the interests of national security, morals, public order or children;
- (b) for the protection of the private or family life of one or more parties to the proceedings; or
- (c) in special circumstances, because publicity would prejudice the interests of justice.]

[<sup>F34</sup>(7) At an oral hearing—

- (a) any party to the proceedings shall be entitled to be present and be heard; and
- (b) the following persons may be present by means of a live television link—
  - (i) a party to the proceedings or his representative or both; or
  - (ii) where an appeal tribunal consists of more than one member, a tribunal member other than the chairman,

provided that the person who constitutes or is the chairman of the tribunal gives permission  
<sup>F35</sup> ... ]

(8) A person who has the right to be heard at a hearing may be accompanied and may be represented by another person whether having professional qualifications or not and, for the purposes of the proceedings at the hearing, any such representative shall have all the rights and powers to which the person whom he represents is entitled.

(9) The following persons shall also be entitled to be present at an oral hearing (whether or not it is otherwise in private) but shall take no part in the proceedings—

- (a) the President;
- (b) any person undergoing training as a chairman or <sup>F36</sup> ... member of an appeal tribunal or as a clerk to an appeal tribunal;
- (c) any person acting on behalf of the President in the training or supervision of panel members or in the monitoring of standards of decision-making by panel members;
- (d) with the leave of the chairman, or in the case of an appeal tribunal which has only one member, with the leave of that member, <sup>F37</sup> ... any other person; and
- (e) a member of the Council on Tribunals or of the Scottish Committee of the Council on Tribunals.

[<sup>F38</sup>(10) Nothing in paragraph (9) affects the rights of—

- (a) any person mentioned in sub-paragraphs (a) and (b) of that paragraph where he is sitting as a member of a tribunal or acting as its clerk; or
- (b) the clerk to the tribunal,

and nothing in this regulation prevents the presence at an oral hearing of any witness or of any person whom the chairman, or in the case of an appeal tribunal which has only one member, that member, permits to be present in order to assist the appeal tribunal or the clerk.]

(11) Any person entitled to be heard at an oral hearing may address the tribunal, may give evidence, may call witnesses and may put questions directly to any other person called as a witness.

(12) For the purpose of arriving at its decision an appeal tribunal shall, and for the purpose of discussing any question of procedure may, notwithstanding anything contained in these Regulations, order all persons not being members of the tribunal, other than the person acting as clerk to the appeal tribunal, to withdraw from the hearing except that—

- (a) a member of the Council on Tribunals or of the Scottish Committee of the Council on Tribunals, the President or any person mentioned in paragraph (9)(c); and
- (b) with the leave of the chairman, or in the case of an appeal tribunal which has only one member, with the leave of that member, any person mentioned in paragraph (9)(b) or (d),

may remain present at any such sitting.

[<sup>F39</sup>(13) In this regulation “live television link” means a live television link or other 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 those physically present.]]

**Textual Amendments**

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F33** Reg. 49(6) substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **14(a)**
- F34** Reg. 49(7) substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **14(b)**
- F35** Words in reg. 49(7)(b) omitted (18.3.2005) by virtue of [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(9)**
- F36** Word in reg. 49(9)(b) omitted (20.5.2002) by virtue of [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **14(c)(i)**
- F37** Words in reg. 49(9)(d) omitted (20.5.2002) by virtue of [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **14(c)(ii)**
- F38** Reg. 49(10) substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **14(d)**
- F39** Reg. 49(13) added (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **14(e)**

**Modifications etc. (not altering text)**

- C17** Reg. 49 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#) , regs. 1(1) , **8**
- C18** Reg. 49 applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#) , regs. 1(1) , **8** (with reg. 8(4) )

**Manner of providing expert assistance**

<sup>F32</sup> 50 . . . . .

**Textual Amendments**

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

## Postponement and adjournment

**51** .—<sup>F32</sup>(1) Where a person to whom notice of an oral hearing is given wishes to request a postponement of that hearing he shall do so in writing to the clerk to the appeal tribunal stating his reasons for the request, and the clerk to the appeal tribunal may grant or refuse the request as he thinks fit or may pass the request to a legally qualified panel member who may grant or refuse the request as he thinks fit.

(2) Where the clerk to the appeal tribunal or the panel member, as the case may be, refuses a request to postpone the hearing he shall—

- (a) notify in writing the person making the request of the refusal; and
- (b) place before the appeal tribunal at the hearing both the request for the postponement and notification of its refusal.

(3) A panel member or the clerk to the appeal tribunal may of his own motion at any time before the beginning of the hearing postpone the hearing.

(4) An oral hearing may be adjourned by the appeal tribunal at any time on the application of any party to the proceedings or of its own motion.

<sup>F40</sup>(5) . . . . .]

### Textual Amendments

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F40** Reg. 51(5) omitted (20.5.2002) by virtue of Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **15**

### Modifications etc. (not altering text)

- C19** Reg. 51 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , **8**
- C20** Reg. 51 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , **8** (with reg. 8(4) )

## Physical examinations at oral hearings

<sup>F32</sup>**52** . . . . .

### Textual Amendments

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

## CHAPTER V

### DECISIONS OF APPEAL TRIBUNALS AND RELATED MATTERS

#### *APPEAL TRIBUNAL DECISIONS*

##### Decisions of appeal tribunals

**53** .—<sup>F32</sup>(1) Every decision of an appeal tribunal shall be recorded in summary by the chairman, or in the case of an appeal tribunal which has only one member, by that member.

(2) The decision notice specified in paragraph (1) shall be in such written form as shall have been approved by the President and shall be signed by the chairman, or in the case of an appeal tribunal which has only one member, by that member.

(3) As soon as may be practicable after an appeal or referral has been decided by an appeal tribunal, a copy of the decision notice <sup>F41</sup> ... shall be sent or given to every party to the proceedings who shall also be informed of—

(a) his right under paragraph (4); and

<sup>F42</sup>(b) except in the case of an appeal under the Vaccine Damage Payments Act, the conditions governing appeals to a Commissioner.]

<sup>F43</sup>(4) [<sup>F44</sup>Subject to paragraph (4A),] a party to the proceedings may apply in writing to the clerk to the appeal tribunal for a statement of the reasons for the tribunal's decision within one month of the sending or giving of the decision notice to every party to the proceedings or within such longer period as may be allowed in accordance with regulation 54 and following that application the chairman, or in the case of a tribunal with only one member, that member shall record a statement of the reasons and a copy of that statement shall be given to every party to the proceedings as soon as may be practicable.]

<sup>F45</sup>(4A) Where—

(a) the decision notice is corrected in accordance with regulation 56; or

(b) an application under regulation 57 for the decision to be set aside is refused for reasons other than a refusal to extend the time for making the application,

the period specified in paragraph (4) shall run from the date on which notice of the correction or the refusal of the application for setting aside is sent to the applicant.]

(5) If the decision is not unanimous, the decision notice specified in paragraph (1) shall record that one of the members dissented and the statement of reasons referred to in paragraph (4) shall include the reasons given by the dissenting member for dissenting.]

##### **Textual Amendments**

**F32** Regs. 49-58 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 126** (with arts. 3(2)(c), 4)

**F41** Words in reg. 53(3) omitted (18.3.2005) by virtue of [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(10)(a)**

**F42** Reg. 53(3)(b) substituted (18.10.1999) by [The Social Security and Child Support \(Decisions and Appeals\), Vaccine Damage Payments and Jobseeker's Allowance \(Amendment\) Regulations 1999 \(S.I. 1999/2677\)](#), regs. 1, **10**

**F43** Reg. 53(4) substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#), regs. 1(1), **16**

- F44** Words in reg. 53(4) inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(10)(b)**
- F45** Reg. 53(4A) inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(10)(c)**

**Modifications etc. (not altering text)**

- C21** Reg. 53 applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#) , regs. 1(1) , **8** (with reg. 8(4) )
- C22** Reg. 53 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#) , regs. 1(1) , **8**

**Late applications for a statement of reasons of tribunal decision**

**54** .—<sup>F32</sup>(1) The time for making an application for <sup>F46</sup> ... the statement of the reasons for a tribunal's decision may be extended where the conditions specified in paragraphs (2) to (8) are satisfied, but <sup>F47</sup> , subject to <sup>F48</sup> regulation 53(4A) ] , ] no application shall in any event be brought more than three months after the date of the sending or giving of the notice of the decision of the appeal tribunal.

(2) An application for an extension of time under this regulation shall be made in writing and shall be determined by a legally qualified panel member.

(3) An application under this regulation shall contain particulars of the grounds on which the extension of time is sought, including details of any relevant special circumstances for the purposes of paragraph (4).

(4) The application for an extension of time shall not be granted unless the panel member is satisfied that it is in the interests of justice for the application to be granted.

(5) For the purposes of paragraph (4) it is not in the interests of justice to grant the application unless the panel member is satisfied that—

- (a) the special circumstances specified in paragraph (6) are relevant to the application; or
- (b) some other special circumstances are relevant to the application,

and as a result of those special circumstances it was not practicable for the application to be made within the time limit specified in regulation 53(4).

(6) For the purposes of paragraph (5)(a), the special circumstances are that—

- (a) the applicant or a <sup>F49</sup>partner] or dependant of the applicant has died or suffered serious illness;
- (b) the applicant is not resident in the United Kingdom; or
- (c) normal postal services were adversely disrupted.

(7) In determining whether it is in the interests of justice to grant the application, the panel member shall have regard to the principle that the greater the amount of time that has elapsed between the expiration of the time within which the application for a copy of the statement of reasons for a tribunal's decision is to be made and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application is based.

(8) In determining whether it is in the interests of justice to grant the application, no account shall be taken of the following—

- (a) that the person making the application or any person acting for him was unaware of, or misunderstood, the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by these Regulations); or

- (b) that a Commissioner or a court has taken a different view of the law from that previously understood and applied.
- (9) An application under this regulation for an extension of time which has been refused may not be renewed.
- (10) The panel member who determines the application shall record a summary of his [F50determination] in such written form as has been approved by the President.
- (11) As soon as practicable after the [F50determination] is made [F51notice] of the decision shall be sent or given to every party to the proceedings.
- (12) Any person who under paragraph (11) receives [F52notice] of the [F50determination] may, within one month of the decision being sent to him, apply in writing for a copy of the reasons for that decision and a copy shall be supplied to him.
- [F53( 13 ) .....]

<b>Textual Amendments</b>	
<b>F32</b>	Regs. 49-58 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , <b>Sch. 1 para. 126</b> (with arts. 3(2)(c) , 4 )
<b>F46</b>	Words in reg. 54(1) omitted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), <b>regs. 1</b> , 29(a)
<b>F47</b>	Words in reg. 54(1) inserted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), <b>regs. 1</b> , 29(b)
<b>F48</b>	Words in reg. 54(1) substituted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , <b>2(11)(a)</b>
<b>F49</b>	Word in reg. 54(6)(a) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , <b>17(a)</b>
<b>F50</b>	Word in reg. 54(10) (11) (12) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , <b>17(b)</b>
<b>F51</b>	Word in reg. 54(11) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , <b>17(c)</b>
<b>F52</b>	Word in reg. 54(12) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , <b>17(d)</b>
<b>F53</b>	Reg. 54(13) omitted (18.3.2005) by virtue of The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , <b>2(11)(b)</b>
<b>Modifications etc. (not altering text)</b>	
<b>C23</b>	Reg. 54 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , <b>8</b> (with reg. 8(4) )
<b>C24</b>	Reg. 54 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , <b>8</b>

**Record of tribunal proceedings**

- 55 .—**[F32(1) A record of the proceedings at an oral hearing, which is sufficient to indicate the evidence taken, shall be made by the chairman, or in the case of an appeal tribunal which has only one member, by that member, in such medium as he may direct.
- [F54(2) The clerk to the appeal tribunal shall preserve—

  - (a) the record of proceedings;



- (b) the decision notice; and
  - (c) any statement of the reasons for the tribunal’s decision,
- for the period specified in paragraph (3).
- (3) That period is six months from the date of—
    - (a) the decision made by the appeal tribunal;
    - (b) any statement of reasons for the tribunal’s decision;
    - (c) any correction of the decision in accordance with regulation 56;
    - (d) any refusal to set aside the decision in accordance with regulation 57; or
    - (e) any determination of an application under regulation 58 for leave to appeal against the decision,
- or until the date on which those documents are sent to the office of the Social Security and Child Support Commissioners in connection with an appeal against the decision or an application to a Commissioner for leave to appeal, if that occurs within the six months.
- (4) Any party to the proceedings may within the time specified in paragraph (3) apply in writing for a copy of the record of proceedings and a copy shall be supplied to him.]]

**Textual Amendments**

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F54** Reg. 55(2)-(4) substituted for reg. 55(2) (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(12)**

**Modifications etc. (not altering text)**

- C25** Reg. 55 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#) , regs. 1(1) , **8**
- C26** Reg. 55 applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#) , regs. 1(1) , **8** (with reg. 8(4) )

**Correction of accidental errors**

**56.**—<sup>F32</sup>(1) The clerk to the appeal tribunal [<sup>F55</sup>or a legally qualified panel member] that member, may at any time correct accidental errors in [<sup>F56</sup>the notice of any decision] of an appeal tribunal made under a relevant enactment, the Child Support Act or the Vaccine Damage Payments Act.

<sup>F57</sup>(2) A correction made to a decision notice shall be deemed to be part of the decision notice and written notice of the correction shall be given as soon as practicable to every party to the proceedings.]

(3) In this regulation and regulation 57, “relevant enactment” has the same meaning as in section 28(3).]

**Textual Amendments**

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )

- F55** Words in reg. 56(1) substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 ( S.I. 2000/1596 ), regs. 1, 30
- F56** Words in reg. 56(1) substituted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(13)(a)**
- F57** Reg. 56(2) substituted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(13)(b)**

**Modifications etc. (not altering text)**

- C27** Reg. 56 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , **8** (with reg. 8(4) )
- C28** Reg. 56 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , **8**

**Setting aside decisions on certain grounds**

**57** .—<sup>F32</sup>(1) On an application made by a party to the proceedings, a decision of an appeal tribunal made under a relevant enactment, the Child Support Act or the Vaccine Damage Payments Act, may be set aside by a legally qualified panel member in a case where it appears just to set the decision aside on the ground that—

- (a) a document relating to the proceedings in which the decision was made was not sent to, or was not received at an appropriate time by, a party to the proceedings or the party's representative or was not received at an appropriate time by the person who made the decision;
- (b) a party to the proceedings in which the decision was made or the party's representative was not present at a hearing relating to the proceedings.

(2) In determining whether it is just to set aside a decision on the ground set out in paragraph (1) (b), the panel member shall determine whether the party making the application gave notice that he wished to have an oral hearing, and if that party did not give such notice the decision shall not be set aside unless <sup>F58</sup> ... that member is satisfied that the interests of justice manifestly so require.

<sup>F59</sup>(3) An application under this regulation shall—

- (a) be made within one month of the date on which—
  - (i) a copy of the decision notice is sent or given to the parties to the proceedings in accordance with regulation 53(3); or
  - (ii) the statement of the reasons for the decision is given or sent in accordance with regulation 53(4),

whichever is later;

- (b) be in writing and signed by a party to the proceedings or, where the party has provided written authority to a representative to act on his behalf, that representative;
- (c) contain particulars of the grounds on which it is made; and
- (d) be sent to the clerk to the appeal tribunal.]

(4) Where an application to set aside a decision is entertained under paragraph (1), every party to the proceedings shall be sent a copy of the application and shall be afforded a reasonable opportunity of making representations on it before the application is determined.

<sup>F60</sup>(4A) Where a legally qualified panel member refuses to set aside a decision he may treat the application to set aside the decision as an application under regulation 53(4) for a statement of the reasons for the tribunal's decision, subject to the time limits set out in regulation 53(4) and (4A).]

(5) Notice in writing of a determination on an application to set aside a decision shall be sent or given to every party to the proceedings as soon as may be practicable and the notice shall contain a statement giving the reasons for the determination.

[<sup>F61</sup>(6) The time within which an application under this regulation must be made may be extended by a period not exceeding one year where the conditions specified in paragraphs (7) to (11) are satisfied.

(7) An application for an extension of time shall be made in accordance with paragraph (3)(b) to (d), shall include details of any relevant special circumstances for the purposes of paragraph (9) and shall be determined by a legally qualified panel member.

(8) An application for an extension of time shall not be granted unless the panel member is satisfied that—

- (a) if the application is granted there are reasonable prospects that the application to set aside will be successful; and
- (b) it is in the interests of justice for the application for an extension of time to be granted.

(9) For the purposes of paragraph (8) it is not in the interests of justice to grant an application for an extension of time unless the panel member is satisfied that—

- (a) the special circumstances specified in paragraph (10) are relevant to that application; or
- (b) some other special circumstances exist which are wholly exceptional and relevant to that application,

and as a result of those special circumstances, it was not practicable for the application to set aside to be made within the time limit specified in paragraph (3)(a).

(10) For the purposes of paragraph (9)(a) the special circumstances are that—

- (a) the applicant or a partner or dependant of the applicant has died or suffered serious illness;
- (b) the applicant is not resident in the United Kingdom; or
- (c) normal postal services were disrupted.

(11) In determining whether it is in the interests of justice to grant an application for an extension of time, the panel member shall have regard to the principle that the greater the amount of time that has elapsed between the expiry of the time within which the application to set aside is to be made and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application for an extension is based.

(12) An application under this regulation for an extension of time which has been refused may not be renewed.]]

#### Textual Amendments

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F58** Words in reg. 57(2) omitted (20.5.2002) by virtue of [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **18(a)**
- F59** Reg. 57(3) substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **18(b)**
- F60** Reg. 57(4A) inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(14)**
- F61** Reg. 57(6)-(12) substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **18(c)**

**Modifications etc. (not altering text)**

- C29** Reg. 57 applied (with modifications) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) \(Scotland\) Regulations 2006 \(S.S.I. 2006/593\)](#) , regs. 1(1) , **8** (with reg. 8(4) )
- C30** Reg. 57 applied (mods) (29.1.2007) by [Personal Injuries \(NHS Charges\) \(Reviews and Appeals\) and Road Traffic \(NHS Charges\) \(Reviews and Appeals\) \(Amendment\) Regulations 2006 \(S.I. 2006/3398\)](#) , regs. 1(1) , **8**

**[<sup>F62</sup>[<sup>F63</sup>Provisions common to regulations 56 and 57**

**57A.**—<sup>F64</sup>[<sup>F32</sup>( 1 ) . . . . .

(2) There shall be no appeal against a correction made under regulation 56 or a refusal to make such a correction or against a determination made under regulation 57.

(3) Nothing in this Chapter shall be construed as derogating from any power to correct errors or set aside decisions which is exercisable apart from these Regulations.]]]

**Textual Amendments**

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F62** Reg. 57A - Reg. 57B inserted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#) , regs. 1(1) , **32**
- F63** Reg. 57A substituted (20.5.2002) by [Social Security and Child Support \(Decisions and Appeals\) \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1379\)](#) , regs. 1(1) , **19**
- F64** Reg. 57A(1) omitted (18.3.2005) by virtue of [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(15)**

**[<sup>F65</sup>Service of decision notice by electronic mail**

**57AA.** [<sup>F32</sup>For the purposes of the time limits in regulations 53 to 57, a properly addressed copy of a decision notice sent by electronic mail is effective from the date it is sent.]]

**Textual Amendments**

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F65** Reg. 57AA inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(16)**

**[<sup>F66</sup> Interpretation of Chapter V**

**57B.**—[<sup>F32</sup>(1) In Chapter V, except in regulations 58 and 58A—

“Commissioner” includes Child Support Commissioner;

“decision” includes a determination on a referral.

(2) In Chapter V—

“decision notice” has the meaning given in regulation 53(1) and (2).]]

**Textual Amendments**

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F66** Reg. 57B substituted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(17)**

*APPLICATIONS FOR LEAVE TO APPEAL TO A COMMISSIONER (NOT INCLUDING CHILD SUPPORT)*

**Application for leave to appeal to a Commissioner from an appeal tribunal**

**58 .—**[<sup>F32</sup>(1) [<sup>F67</sup>Subject to paragraph (1A),] an application for leave to appeal to a Commissioner from a decision of an appeal tribunal under [<sup>F68</sup>section 13 of the 1997 Act or under] section 12 or 13 shall—

- (a) be [<sup>F69</sup>sent to the clerk to the appeal tribunal within the period of one month of the date of the applicant being sent] a written statement of the reasons for the decision against which leave to appeal is sought; and
- [<sup>F70</sup>(b) be in writing and signed by the applicant or, where he has given written authority to a representative to make the application on his behalf, by that representative;
- (c) contain particulars of the grounds on which the applicant intends to rely;
- (d) contain sufficient particulars of the decision of the appeal tribunal to enable the decision to be identified; and
- (e) if the application is made late, contain the grounds for seeking late acceptance.]

[<sup>F71</sup>(1A) Where after the written statement of the reasons for the decision has been sent to the parties to the proceedings—

- (a) the decision notice is corrected in accordance with regulation 56; or
- (b) an application under regulation 57 for the decision to be set aside is refused for reasons other than a refusal to extend the time for making the application,

the period specified in paragraph (1)(a) shall run from the date on which notice of the correction or the refusal of the application for setting aside is sent to the applicant.]

(2) Where an application for leave to appeal to a Commissioner is made by the Secretary of State [<sup>F72</sup>or the Board], the clerk to an appeal tribunal shall, as soon as may be practicable, send a copy of the application to every other party to the proceedings.

<sup>F73</sup>( 3 ) .....

[<sup>F74</sup>(4) A person determining an application for leave to appeal to a Commissioner shall record his determination in writing and send a copy to every party to the proceedings.]

(5) Where there has been a failure to apply for leave to appeal within the period of time specified in paragraph (1)(a) [<sup>F75</sup>or (1A)] but an application is made within one year of the last date for making an application within that period, a legally qualified panel member may, if for special reasons he thinks fit, accept and proceed to consider and determine the application.

[<sup>F76</sup>(6) Where an application for leave to appeal against a decision of an appeal tribunal is made—

- (a) if the person who constituted, or was the chairman of, the appeal tribunal when the decision was given was a fee-paid legally qualified panel member, the application may be determined by a salaried legally qualified panel member; or
- (b) if it is impracticable, or it would be likely to cause undue delay, for the application to be determined by whoever constituted, or was the chairman of, the appeal tribunal when the decision was given, the application may be determined by another legally qualified panel member.]]

### Textual Amendments

- F32** Regs. 49-58 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4 )
- F67** Words in reg. 58(1) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(18)(a)(i)**
- F68** Words in reg. 58(1) inserted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(a)(i)**
- F69** Words in reg. 58(1)(a) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(a)(ii)**
- F70** Reg. 58(1)(b)-(e) substituted for reg. 58(1)(b) (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(18)(a)(ii)**
- F71** Reg. 58(1A) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(18)(b)**
- F72** Words in reg. 58(2) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570) , regs. 1 , **27**
- F73** Reg. 58(3) omitted (20.5.2002) by virtue of Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(b)**
- F74** Reg. 58(4) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(c)**
- F75** Words in reg. 58(5) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(18)(c)**
- F76** Reg. 58(6) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(d)**

### Modifications etc. (not altering text)

- C31** Reg. 58 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , **8**
- C32** Reg. 58 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , **8** (with reg. 8(4) )

### [<sup>F77</sup>Appeal to [<sup>F78</sup>the Upper Tribunal] by a partner

**58A.** A partner within the meaning of section 2AA(7) of the Administration Act (full entitlement to certain benefits conditional on work-focused interview for partner) may appeal to [<sup>F79</sup>the Upper Tribunal] under section 14 from a decision of [<sup>F80</sup>the First-tier Tribunal] in respect of a decision specified in section 2B(2A) and (6) of the Administration Act . ]

**Textual Amendments**

- F77** Reg. 58A inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(19)**
- F78** Words in reg. 58A heading substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 127(a)**
- F79** Words in reg. 58A substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 127(a)**
- F80** Words in reg. 58A substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 127(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, PART V.