
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations regulate the procedure of the Social Security Commissioners in determining appeals and applications arising from decisions of appeal tribunals in relation to child trust funds.

The Child Trust Funds (Non-tax Appeals) Regulations 2005 (S.I. 2005/191) are made under section 24(5) of the Child Trust Funds Act 2004 (c.6) and apply and modify provisions in the Social Security Act 1998 (c.14) to provide for a temporary route of appeal in respect of Child Trust Funds. Appeals are heard initially by the appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998, and a further right of appeal will exist to by the Social Security Commissioners.

These Regulations will apply until the Treasury makes an order under section 24(1) of the Child Trust Fund Act 2004.

In particular, these Regulations provide for:

- general powers of the Commissioners to regulate procedure (regulations 3, 4 and 5);
- notice to be given where a party receives funding of legal services (regulation 7);
- appeals involving penalties not to be subject to the requirement of leave to appeal (regulation 8);
- the Commissioners to deal with applications for leave to appeals and for the procedure in connection with commencing appeals (regulations 9 to 14);
- the procedure in connection with applying for directions, dealing with evidence and summoning witnesses (regulations 16 to 19 and 22);
- requests for hearings, hearings and withdrawal of appeals (regulations 20, 21 and 23);
- determination and decisions by Commissioners (regulation 25);
- correcting accidental errors and setting aside decisions (regulations 26 and 27);
- applications for leave to appeal the decision of the Commissioners to the Court of Appeal (England and Wales) or the Court of Session (Scotland) (regulation 29).