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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013**

**Amendment of the Child Support (Maintenance Assessment Procedure) Regulations 1992**

3.—(1) The Child Support (Maintenance Assessment Procedure) Regulations 1992(1) are amended as follows.

(2) At the end of regulation 10 (notification of a new or a fresh maintenance assessment)(2), insert—

“(5) Paragraphs (2) to (4) of this regulation apply in the case of a decision in respect of which there is no right of appeal as the result of regulation 17A (consideration of revision before appeal) as they apply in the case of a decision which may be appealed under section 20 of the Act (as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000).”.

(3) After regulation 17 (revision of decision)(3), insert—

**“Consideration of revision before appeal**

**17A.—**(1) This regulation applies in a case where—

- (a) the Secretary of State gives a person written notice of a decision; and
- (b) that notice includes a statement to the effect that there is a right of appeal to the First-tier Tribunal against the decision only if the Secretary of State has considered an application for a revision of the decision.

(2) In a case to which this regulation applies, a person has a right of appeal under section 20 of the Act against the decision only if the Secretary of State has considered on an application whether to revise the decision under section 16 of the Act.

(3) The notice referred to in paragraph (1) must inform the person of the time limit specified in regulation 17(1) for making an application for a revision.

(4) Where, as the result of paragraph (2), there is no right of appeal against a decision, the Secretary of State may treat any purported appeal as an application for a revision under section 16 of the Act.

(5) In this regulation, “decision” means a decision mentioned in section 20 of the Act (as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000).”.

(4) Subject to regulation 8(1) (transitional and savings provisions) of these Regulations, in regulation 17(1)(f)(4), for “in regulation 31 of the Social Security and Child Support (Decisions and

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(1) [S.I. 1992/1813](#).

(2) Regulation 10 was revoked (with savings) by [S.I. 2001/157](#), [S.I. 2003/328](#) and by [S.I. 2012/2785](#).

(3) Regulation 17 was substituted by [S.I. 1999/1047](#). It was revoked (with savings) by [S.I. 2001/157](#) and [2003/328](#) and was amended by [S.I. 2000/1596](#), [2004/2415](#) and by [S.I. 2008/2543](#).

(4) Sub-paragraph (f) of regulation 17(1) was inserted by [S.I. 2004/2415](#).

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 No. 2380*

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Appeals) Regulations 1999, or in a case to which regulation 32 of those Regulations applies within the time prescribed in that regulation” substitute “by the Tribunal Procedure Rules”.

(5) In regulation 18 (late application for a revision)(5)—

- (a) at the end of paragraph (4)(b), insert “except in a case to which regulation 17A applies”;
- (b) in paragraph (6), after “extension of time”, insert “except in a case to which regulation 17A applies,”.

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(5) Regulation 18 was substituted by [S.I. 1999/1407](#), was revoked (with savings) by [S.I. 2001/157](#) and was amended by [S.I. 2008/2683](#).