

Status: Point in time view as at 29/11/1999.

Changes to legislation: Child Support Act 1991, Cross Heading: Cases of error is up to date with all changes known to be in force on or before 16 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

[^{F1}SCHEDULE 4C

DECISIONS AND APPEALS: DEPARTURE DIRECTIONS AND REDUCED BENEFIT DIRECTIONS ETC.

Textual Amendments

- F1** Sch. 4C inserted (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), [Sch. 7 para. 54](#); [S.I. 1999/528](#), art. 2(a), Sch.; [S.I. 1999/1510](#), art. 2(g)(v)

Modifications etc. (not altering text)

- C1** Sch. 4C extended by [The Child Support \(Arrears, Interest and Adjustment of Maintenance Assessments\) Regulations 1992 \(S.I. 1992/1816\)](#), [reg. 12](#) (as substituted (1.6.1999) by [S.I. 1999/1510](#), arts. 3(1), [28](#) (with Pt. 18))

Cases of error

- 6 (1) Subject to sub-paragraph (2) below, section 28ZC shall also apply where—
- (a) the effect of the determination, whenever made, of an appeal to a Child Support Commissioner or the court (“the relevant determination”) is that the adjudicating authority’s decision out of which the appeal arose was erroneous in point of law; and
 - (b) after the date of the relevant determination a decision falls to be made by the Secretary of State in accordance with that determination (or would, apart from this paragraph, fall to be so made)—
 - (i) in relation to an application for a departure direction (made after the commencement date);
 - (ii) as to whether to revise, under section 16 as extended by paragraph 1, a decision (made after the commencement date) in relation to a departure direction, a reduced benefit direction or a person’s liability under section 43; or
 - (iii) on an application made under section 17 as extended by paragraph 2 before the date of the relevant determination (but after the commencement date) for a decision in relation to a departure direction, a reduced benefit direction or a person’s liability under section 43 to be superseded.
- (2) Section 28ZC shall not apply where the decision of the Secretary of State mentioned in sub-paragraph (1)(b) above—
- (a) is one which, but for section 28ZA(2)(a) as it applies by virtue of paragraph 4(1), would have been made before the date of the relevant determination; or
 - (b) is one made in pursuance of section 28ZB(3) or (5) as it applies by virtue of paragraph 5(1).

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- (3) Section 28ZC as it applies by virtue of sub-paragraph (1) shall have effect as if in subsection (4), in the definition of “adjudicating authority”, at the end there were inserted the words “or, in the case of a decision made on a referral under section 28D(1)(b), an appeal tribunal”.
- (4) In this paragraph “adjudicating authority”, “the commencement date” and “the court” have the same meanings as in section 28ZC.]

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