



# Child Support Act 1991

## 1991 CHAPTER 48

### *Reviews and appeals*

#### **[<sup>F17</sup> Decisions superseding earlier decisions**

- (1) Subject to subsection (2), the following, namely—
  - (a) any decision of the [<sup>F2</sup>Commission] under section 11 or 12 or this section, whether as originally made or as revised under section 16;
  - (b) any decision of [<sup>F3</sup>an appeal tribunal or][<sup>F4</sup>the First-tier Tribunal] under section 20; <sup>F5</sup>...
  - <sup>F6</sup>(c) .....
  - [<sup>F7</sup>(d) any decision of [<sup>F8</sup>an appeal tribunal or][<sup>F9</sup>the First-tier Tribunal] on a referral under section 28D(1)(b);
  - (e) any decision of [<sup>F10</sup>a Child Support Commissioner or][<sup>F11</sup>the Upper Tribunal] on an appeal from such a decision as is mentioned in paragraph (b) or (d),may be superseded by a decision made by the [<sup>F2</sup>Commission], either on an application made for the purpose or on [<sup>F12</sup>its] own initiative.
- (2) In making a decision under subsection (1), the [<sup>F2</sup>Commission] need not consider any issue that is not raised by the application or, as the case may be, did not cause [<sup>F13</sup>it] to act on [<sup>F12</sup>its] own initiative.
- (3) Regulations may prescribe the cases and circumstances in which, and the procedure by which, a decision may be made under this section.
- [<sup>F14</sup>(4) Subject to subsection (5) and section 28ZC, a decision under this section shall take effect as from the beginning of the maintenance period in which it is made or, where applicable, the beginning of the maintenance period in which the application was made.
- (4A) In subsection (4), a “maintenance period” is (except where a different meaning is prescribed for prescribed cases) a period of seven days, the first one beginning on the effective date of the first decision made by the [<sup>F2</sup>Commission] under section 11 or (if earlier) [<sup>F12</sup>its] first default or interim maintenance decision (under section 12) in

*Status: Point in time view as at 08/03/2012. This version of this provision has been superseded.*

*Changes to legislation: Child Support Act 1991, Section 17 is up to date with all changes known to be in force on or before 30 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)*

relation to the non-resident parent in question, and each subsequent one beginning on the day after the last day of the previous one.]

- (5) Regulations may provide that, in prescribed cases or circumstances, a decision under this section shall take effect as from such other date as may be prescribed.

[<sup>F15</sup>(6) In this section—

“appeal tribunal” means an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998 (the functions of which have been transferred to the First-tier Tribunal);

“Child Support Commissioner” means a person appointed as such under section 22 (the functions of whom have been transferred to the Upper Tribunal).]

#### Textual Amendments

- F1** S. 17 substituted for ss. 17–19 (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 41**, 87(2); S.I. 1999/528, art. 2(a), Sch.; S.I. 1999/1510, art. 2(d) (for a transitional provision see S.I. 1999/1510, art. 48(2))
- F2** Word in s. 17 substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 3 para. 13(a)**; S.I. 2008/2675, art. 3(b)
- F3** Words in s. 17(1)(b) inserted (with retrospective effect to 3.11.2008 in accordance with s. 103(2) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(1)(b), **Sch. 12 para. 2(2)(a)**
- F4** Words in s. 17(1)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 79(a)**
- F5** Word in s. 17(1) repealed (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(e)(2), **Sch. 9 Pt. 1** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F6** S. 17(1)(c) repealed (14.7.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 8**; S.I. 2008/1476, art. 2(2)(c)(i)
- F7** S. 17(1)(c)-(e) substituted for s. 17(1)(c) (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 9(2)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.
- F8** Words in s. 17(1)(d) inserted (with retrospective effect to 3.11.2008 in accordance with s. 103(2) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(1)(b), **Sch. 12 para. 2(2)(a)**
- F9** Words in s. 17(1)(d) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 79(a)**
- F10** Words in s. 17(1)(e) inserted (with retrospective effect to 3.11.2008 in accordance with s. 103(2) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(1)(b), **Sch. 12 para. 2(2)(b)**
- F11** Words in s. 17(1)(e) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 79(b)**
- F12** Word in s. 17 substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 3 para. 13(b)**; S.I. 2008/2675, art. 3(b)
- F13** Word in s. 17 substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 3 para. 13(c)**; S.I. 2008/2675, art. 3(b)
- F14** S. 17(4)(4A) substituted for s. 17(4) (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 9(3)**, 86(1)(a)(2) (with ss. 28, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.
- F15** S. 17(6) inserted (with retrospective effect to 3.11.2008 in accordance with s. 103(2) of the amending Act) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(1)(b), **Sch. 12 para. 2(3)**

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