



# Child Support Act 1991

## 1991 CHAPTER 48

### *Reviews and appeals*

#### **[<sup>F1</sup>20 Appeals to [<sup>F2</sup>First-tier Tribunal].**

- (1) A qualifying person has a right of appeal to [<sup>F3</sup>the First-tier Tribunal] against—
- (a) a decision of the [<sup>F4</sup>Secretary of State] under section 11, 12 or 17 (whether as originally made or as revised under section 16);
  - (b) a decision of the [<sup>F4</sup>Secretary of State] not to make a maintenance calculation under section 11 or not to supersede a decision under section 17;
  - <sup>F5</sup>(c) .....
  - (d) the imposition (by virtue of section 41A) of a requirement to make penalty payments, or their amount;
  - (e) the imposition (by virtue of section 47) of a requirement to pay fees.

- (2) In subsection (1), “qualifying person” means—
- (a) in relation to paragraphs (a) and (b)—
    - (i) the person with care, or non-resident parent, with respect to whom the [<sup>F6</sup>Secretary of State] made the decision, or
    - (ii) in a case relating to a maintenance calculation which was applied for under section 7, either of those persons or the child concerned;
  - <sup>F7</sup>(b) .....
  - (c) in relation to paragraph (d), the parent who has been required to make penalty payments; and
  - (d) in relation to paragraph (e), the person required to pay fees.

<sup>F8</sup>(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision mentioned in subsection (1)(a) or (b) only if the [<sup>F9</sup>Secretary of State] has considered whether to revise the decision under section 16.

- (2B) The regulations may in particular provide that that condition is met only where—
- (a) the consideration by the [<sup>F9</sup>Secretary of State] was on an application,

*Status: Point in time view as at 25/02/2013. This version of this provision has been superseded.*

*Changes to legislation: Child Support Act 1991, Section 20 is up to date with all changes known to be in force on or before 27 May 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)*

- (b) the [<sup>F9</sup>Secretary of State] considered issues of a specified description, or
  - (c) the consideration by the [<sup>F9</sup>Secretary of State] satisfied any other condition specified in the regulations.]
- (3) A person with a right of appeal under this section shall be given such notice as may be prescribed of—
- (a) that right; and
  - (b) the relevant decision, or the imposition of the requirement.
- (4) Regulations may make—
- (a) provision as to the manner in which, and the time within which, appeals are to be brought; <sup>F10</sup>...
  - <sup>F10</sup>(b) .....
  - [<sup>F11</sup>(c) provision that, where in accordance with regulations under subsection (2A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under section 16.]
- (5) The regulations may in particular make any provision of a kind mentioned in Schedule 5 to the Social Security Act 1998.
- <sup>F12</sup>(6) .....
- (7) In deciding an appeal under this section, [<sup>F13</sup>the First-tier Tribunal]—
- (a) need not consider any issue that is not raised by the appeal; and
  - (b) shall not take into account any circumstances not obtaining at the time when the [<sup>F14</sup>Secretary of State] made the decision or imposed the requirement.
- (8) If an appeal under this section is allowed, the [<sup>F15</sup>First-tier Tribunal] may—
- (a) itself make such decision as it considers appropriate; or
  - (b) remit the case to the [<sup>F16</sup>Secretary of State], together with such directions (if any) as it considers appropriate.]

#### Textual Amendments

- F1** S. 20 substituted (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 10**, 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.
- F2** Words in s. 20 heading substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 81(a)**
- F3** Words in s. 20(1) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 81(b)**
- F4** Words in s. 20(1)(a)(b) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 13**
- F5** S. 20(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)
- F6** Words in s. 20(2)(a)(i) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 13**
- F7** S. 20(2)(b) 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)
- F8** S. 20(2A)(2B) inserted (25.2.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 11 para. 5(2)** (with s. 102(7)-(9)); S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24

*Status: Point in time view as at 25/02/2013. This version of this provision has been superseded.*

*Changes to legislation: Child Support Act 1991, Section 20 is up to date with all changes known to be in force on or before 27 May 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)*

- F9** Words in s. 20(2A)(2B) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 108(2)**
- F10** S. 20(4)(b) and preceding word omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 81(c)**
- F11** S. 20(4)(c) inserted (25.2.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 11 para. 5(3)**; S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24
- F12** S. 20(6) 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)
- F13** Words in s. 20(7) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 81(b)**
- F14** Words in s. 20(7)(b) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 13**
- F15** Words in s. 20(8) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 81(d)**
- F16** Words in s. 20(8)(b) substituted (1.8.2012) by The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 13**

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

- C1** S. 20 (as originally enacted) amended (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 80**
- C2** S. 20 modified (E.W.) (21.7.2002) by The Child Support Appeals (Jurisdiction of Courts) Order 2002 (S.I. 2002/1915), arts. 1(2), **3** (with art. 1(3))
- C3** S. 20 applied by The Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991), **reg. 30A** (as inserted (3.3.2003 for specified purposes) by S.I. 2000/3185, regs. 1, **12**; S.I. 2003/192, art. 3(1), Sch.)
- C4** S. 20 (as originally enacted) amended (25.2.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 11 para. 6** (with s. 102(7)-(9)); S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, **24**
- C5** S. 20(3)-(5)(7)(8) applied (24.7.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), **ss. 6(6)**, 62(3); S.I. 2008/2033, art. 2(1)

**Status:**

Point in time view as at 25/02/2013. This version of this provision has been superseded.

**Changes to legislation:**

Child Support Act 1991, Section 20 is up to date with all changes known to be in force on or before 27 May 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.