



Child Support Act 1991

1991 CHAPTER 48

Reviews and appeals

[^{F1}20 Appeals to [^{F2}First-tier Tribunal].

- (1) A qualifying person has a right of appeal to [^{F3}the First-tier Tribunal] against—
- (a) a decision of the [^{F4}Secretary of State] under section 11, 12 or 17 (whether as originally made or as revised under section 16);
 - (b) a decision of the [^{F4}Secretary of State] not to make a maintenance calculation under section 11 or not to supersede a decision under section 17;
 - ^{F5}(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 [^{F6}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;
 - ^{F7}(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.

^{F8}(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 [^{F9}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 [^{F9}Secretary of State] was on an application,

Status: Point in time view as at 29/04/2013.

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- (b) the [^{F9}Secretary of State] considered issues of a specified description, or
 - (c) the consideration by the [^{F9}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; ^{F10}...
 - ^{F10}(b)
 - [^{F11}(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.
- ^{F12}(6)
- (7) In deciding an appeal under this section, [^{F13}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 [^{F14}Secretary of State] made the decision or imposed the requirement.
- (8) If an appeal under this section is allowed, the [^{F15}First-tier Tribunal] may—
- (a) itself make such decision as it considers appropriate; or
 - (b) remit the case to the [^{F16}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)

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- F8** S. 20(2A)(2B) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) 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; S.I. 2013/983, art. 8
- 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, 29.4.2013 in so far as not already in force) 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; S.I. 2013/983, art. 8
- 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, 29.4.2013 in so far as not already in force) 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**; S.I. 2013/983, art. 8
- 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)

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