



Child Support Act 1991

1991 CHAPTER 48

Reviews and appeals

24 Appeal to Child Support Commissioner.

(1) Any person who is aggrieved by a decision of a child support appeal tribunal, and any child support officer, may appeal to a Child Support Commissioner on a question of law.

[^{F1}(1A) The Secretary of State may appeal to a Child Support Commissioner on a question of law in relation to any decision of a child support appeal tribunal made in connection with an application for a departure direction.]

(2) Where, on an appeal under this section, a Child Support Commissioner holds that the decision appealed against was wrong in law he shall set it aside.

(3) Where a decision is set aside under subsection (2), the Child Support Commissioner may—

- (a) if he can do so without making fresh or further findings of fact, give the decision which he considers should have been given by the child support appeal tribunal;
- (b) if he considers it expedient, make such findings and give such decision as he considers appropriate in the light of those findings; or

[^{F2}(c) on an appeal by the Secretary of State, refer the case to a child support appeal tribunal with directions for its determination; or

- (d) on any other appeal, refer the case to a child support officer or, if he considers it appropriate, to a child support appeal tribunal with directions for its determination.]

(4) Any reference under subsection (3) to a child support officer shall, subject to any direction of the Child Support Commissioner, be to a child support officer who has taken no part in the decision originally appealed against.

(5) On a reference under subsection (3) to a child support appeal tribunal, the tribunal shall, subject to any direction of the Child Support Commissioner, consist of persons

Status: Point in time view as at 19/05/1999. This version of this provision has been superseded.

Changes to legislation: Child Support Act 1991, Section 24 is up to date with all changes known to be in force on or before 03 June 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)

who were not members of the tribunal which gave the decision which has been appealed against.

- (6) No appeal lies under this section without the leave—
- (a) of the person who was the chairman of the child support appeal tribunal when the decision appealed against was given or of such other chairman of a child support appeal tribunal as may be determined in accordance with regulations made by the Lord Chancellor; or
 - (b) subject to and in accordance with regulations so made, of a Child Support Commissioner.
- (7) The Lord Chancellor may by regulations make provision as to the manner in which, and the time within which, appeals under this section are to be brought and applications for leave under this section are to be made.
- (8) Where a question which would otherwise fall to be determined by a child support officer first arises in the course of an appeal to a Child Support Commissioner, he may, if he thinks fit, determine it even though it has not been considered by a child support officer.
- (9) Before making any regulations under subsection (6) or (7), the Lord Chancellor shall consult the Lord Advocate.

Textual Amendments

- F1** S. 24(1A) inserted (2.12.1996) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 7\(2\)](#); S.I. 1996/2630, art. 2, Sch. Pt. 2
- F2** S. 24(3)(c)(d) substituted for s. 24(3)(c) (2.12.1996) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 7\(3\)](#); S.I. 1996/2630, art. 2, Sch. Pt. 2

Modifications etc. (not altering text)

- C1** S. 24: transfer of functions (19.5.1999) by [The Transfer of Functions \(Lord Advocate and Secretary of State\) Order 1999 \(S.I. 1999/678\)](#), arts. 1, 2(1), [Sch.](#)

Commencement Information

- II** S. 24 wholly in force; s. 24 not in force at Royal Assent see s. 58(2); s. 24(6)(7) in force at 17.6.1992 by [S.I. 1992/1431](#), [art. 2](#), [Sch.](#); s. 24(9) in force at 1.9.1992 by [S.I. 1992/1938](#), [art. 2](#); s. 24 in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644](#), [art. 2](#)

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