



# 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 [<sup>F1</sup>an appeal tribunal, and the Secretary of State], may appeal to a Child Support Commissioner on a question of law.  
<sup>F2</sup>(1A) .....
- (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 [<sup>F3</sup>the 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
  - [<sup>F4</sup>(c) on an appeal by the Secretary of State, refer the case to [<sup>F5</sup>an appeal tribunal] with directions for its determination; or
  - (d) on any other appeal, refer the case to [<sup>F6</sup>the Secretary of State] or, if he considers it appropriate, to [<sup>F5</sup>an appeal tribunal] with directions for its determination.]
- [<sup>F7</sup>(4) The reference under subsection (3) to the Secretary of State shall, subject to any direction of the Child Support Commissioner, be to an officer of his, or a person providing him with services, who has taken no part in the decision originally appealed against.]
- (5) On a reference under subsection (3) to [<sup>F8</sup>an appeal tribunal], the tribunal shall, subject to any direction of the Child Support Commissioner, consist of persons 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—

*Status: Point in time view as at 30/06/1999. This version of this provision has been superseded.*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 30 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)*

- (a) of the person [<sup>F9</sup>who constituted, or was the chairman of, the appeal tribunal] when the decision appealed against was given or of [<sup>F10</sup>such other person] 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 [<sup>F11</sup>the Secretary of State] 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 [<sup>F11</sup>the Secretary of State].
- (9) Before making any regulations under subsection (6) or (7), the Lord Chancellor shall consult the Lord Advocate.

#### Textual Amendments

- F1** Words in s. 24(1) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(1\)](#); [S.I. 1999/1510](#), art. 2(g)(iii)
- F2** S. 24(1A) repealed (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(2\), Sch. 8](#); [S.I. 1999/1510](#), art. 2(f)(iii)(g)(iii)
- F3** Words in s. 24(3) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(3\)\(a\)](#); [S.I. 1999/1510](#), art. 2(g)(iii)
- F4** 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
- F5** Words in s. 24(3) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(3\)\(b\)](#); [S.I. 1999/1510](#), art. 2(g)(iii)
- F6** Words in s. 24(3) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(3\)\(c\)](#); [S.I. 1999/1510](#), art. 2(g)(iii)
- F7** S. 24(4) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(4\)](#); [S.I. 1999/1510](#), art. 2(g)(iii)
- F8** Words in s. 24(5) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(5\)](#); [S.I. 1999/1510](#), art. 2(g)(iii)
- F9** Words in s. 24(6) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(6\)\(a\)](#); [S.I. 1999/1510](#), art. 2(g)(iii)
- F10** Words in s. 24(6) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(6\)\(b\)](#); [S.I. 1999/1510](#), art. 2(g)(iii)
- F11** Words in s. 24(8) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 30\(7\)](#); [S.I. 1999/1510](#), art. 2(g)(iii)

#### 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.](#)
- C2** S. 24(9) functions treated as exercisable in Scotland (30.6.1999) by [The Scotland Act 1998 \(Functions Exercisable in or as Regards Scotland\) Order 1999 \(S.I. 1999/1748\)](#), arts. 1, 3, [Sch. 1 para. 12](#)

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#### **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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