



# Child Support Act 1991

## 1991 CHAPTER 48

### *Reviews and appeals*

#### **25 Appeal from Child Support Commissioner on question of law.**

- (1) An appeal on a question of law shall lie to the appropriate court from any decision of a Child Support Commissioner.
- (2) No such appeal may be brought except—
  - (a) with leave of the Child Support Commissioner who gave the decision or, where regulations made by the Lord Chancellor so provide, of a Child Support Commissioner selected in accordance with the regulations; or
  - (b) if the Child Support Commissioner refuses leave, with the leave of the appropriate court.
- (3) An application for leave to appeal under this section against a decision of a Child Support Commissioner (“the appeal decision”) may only be made by—
  - (a) a person who was a party to the proceedings in which the original decision, or appeal decision, was given;
  - (b) the Secretary of State; or
  - (c) any other person who is authorised to do so by regulations made by the Lord Chancellor.

[<sup>F1</sup>(3A) The Child Support Commissioner to whom an application for leave to appeal under this section is made shall specify as the appropriate court either the Court of Appeal or the Court of Session.

(3B) In determining the appropriate court, the Child Support Commissioner shall have regard to the circumstances of the case, and in particular the convenience of the persons who may be parties to the appeal.]

- (4) In this section—

“appropriate court”<sup>F2</sup>, except in subsections (3A) and (3B), means the court specified in accordance with those subsections]; and

*Status: Point in time view as at 11/11/1999. This version of this provision has been superseded.*

*Changes to legislation: Child Support Act 1991, Section 25 is up to date with all changes known to be in force on or before 15 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)*

“original decision” means the decision to which the appeal decision in question relates.

- (5) The Lord Chancellor may by regulations make provision with respect to—
- (a) the manner in which and the time within which applications must be made to a Child Support Commissioner for leave under this section; and
  - (b) the procedure for dealing with such applications.
- (6) Before making any regulations under subsection (2), (3) or (5), the Lord Chancellor shall consult the Lord Advocate.

#### Textual Amendments

- F1** S. 25(3A)(3B) inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 8\(1\)](#); S.I. 1995/2302, art. 2, [Sch. Pt. 1](#)
- F2** Words in s. 25(4) substituted (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), s. 30(4), [Sch. 3 para. 8\(2\)](#); S.I. 1995/2302, art. 2, [Sch. Pt. 1](#)

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

- C1** S. 25: 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. 25(6) 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](#)
- C3** S. 25(6): transfer of functions in relation to Scotland (1.7.1999) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 1999 \(S.I. 1999/1750\)](#), arts. 1(1), 2, [Sch. 1](#) (with art. 7)

#### Commencement Information

- I1** S. 25 wholly in force; s. 25 not in force at Royal Assent see s. 58(2); s. 25(2)(a)(3)(c)(5)(6) in force at 17.6.1992 by [S.I. 1992/1431](#), [art. 2](#), [Sch.](#); s. 25 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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