



Child Support Act 1991

1991 CHAPTER 48

[^{F1}Decisions and appeals dependent on other cases

[^{F1}28ZB Appeals involving issues that arise on appeal in other cases

- (1) This section applies where—
 - [^{F2}(a) an appeal (“appeal A”) in relation to a decision or the imposition of a requirement falling within section 20(1) is made to [^{F3}the First-tier Tribunal, or from the First-tier Tribunal to the Upper Tribunal];] and
 - (b) an appeal (“appeal B”) is pending against a decision given in a different case by [^{F4}the Upper Tribunal] or a court.
- (2) If the [^{F5}Secretary of State] considers it possible that the result of appeal B will be such that, if it were already determined, it would affect the determination of appeal A, [^{F6}the [^{F5}Secretary of State]] may serve notice requiring the [^{F7}First-tier Tribunal or Upper Tribunal]—
 - (a) not to determine appeal A but to refer it to [^{F8}the [^{F5}Secretary of State]]; or
 - (b) to deal with the appeal in accordance with subsection (4).
- (3) Where appeal A is referred to the [^{F9}Secretary of State] under subsection (2)(a), following the determination of appeal B and in accordance with that determination, [^{F6}the [^{F9}Secretary of State]] shall if appropriate—
 - (a) in a case where appeal A has not been determined by the [^{F10}First-tier Tribunal], revise (under section 16) [^{F9}the] decision which gave rise to that appeal; or
 - (b) in a case where appeal A has been determined by the [^{F11}First-tier Tribunal], make a decision (under section 17) superseding the tribunal’s decision.
- (4) Where appeal A is to be dealt with in accordance with this subsection, the [^{F12}First-tier Tribunal or Upper Tribunal] shall either—
 - (a) stay appeal A until appeal B is determined; or
 - (b) if the [^{F13}First-tier Tribunal or Upper Tribunal] considers it to be in the interests of the appellant to do so, determine appeal A as if—
 - (i) appeal B had already been determined; and

Status: Point in time view as at 01/08/2012.

Changes to legislation: Child Support Act 1991, Section 28ZB is up to date with all changes known to be in force on or before 30 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)

- (ii) the issues arising on appeal B had been decided in the way that was most unfavourable to the appellant.

In this subsection “the appellant” means the person who appealed or, as the case may be, first appealed against the decision [^{F14}or the imposition of the requirement] mentioned in subsection (1)(a).

- (5) Where the [^{F15}First-tier Tribunal or Upper Tribunal] acts in accordance with subsection (4)(b), following the determination of appeal B the [^{F16}Secretary of State] shall, if appropriate, make a decision (under section 17) superseding the decision of the [^{F17}First-tier Tribunal or Upper Tribunal] in accordance with that determination.
- (6) For the purposes of this section, an appeal against a decision is pending if—
- (a) an appeal against the decision has been brought but not determined;
 - (b) an application for leave to appeal against the decision has been made but not determined; or
 - (c) in such circumstances as may be prescribed, an appeal against the decision has not been brought (or, as the case may be, an application for leave to appeal against the decision has not been made) but the time for doing so has not yet expired.
- (7) In this section—
- (a) the reference in subsection (1)(a) to an appeal to [^{F18}the Upper Tribunal] includes a reference to an application for leave to appeal to [^{F18}the Upper Tribunal]; and
 - (b) any reference in paragraph (a), (b) or (c) of subsection (6) to an appeal, or to an application for leave to appeal, against a decision includes a reference to—
 - (i) an application for, or for leave to apply for, judicial review of the decision under section 31 of the Supreme Court Act 1981; or
 - (ii) an application to the supervisory jurisdiction of the Court of Session in respect of the decision.
- (8) Regulations may make provision supplementing that made by this section.]

Textual Amendments

- F1** Ss. 28ZA, 28ZB and cross-heading inserted (4.3.1999 for specified purposes, 1.6.1999 in so far as not already in force) by [Social Security Act 1998 \(c. 14\)](#), **ss. 43, 87(2)**; S.I. 1999/528, art. 2(a), **Sch.**; S.I. 1999/1510, **art. 2(d)**
- F2** S. 28ZB(1)(a) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 11(12)(a)** (with s. 83(6)); S.I. 2003/192, art. 3, **Sch.**
- F3** Words in s. 28ZB(1)(a) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 88(2)**
- F4** Words in s. 28ZB(1)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 88(3)**
- F5** Words in s. 28ZB(2) 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. 21(a)**
- F6** Words in s. 28ZB substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), **Sch. 3 para. 23(b)**; S.I. 2008/2675, art. 3(b)
- F7** Words in s. 28ZB(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 para. 88(4)**

Status: Point in time view as at 01/08/2012.

Changes to legislation: Child Support Act 1991, Section 28ZB is up to date with all changes known to be in force on or before 30 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)

- F8** Words in s. 28ZB substituted (1.11.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 3 para. 23(c)**; S.I. 2008/2675, art. 3(b)
- F9** Words in s. 28ZB(3) 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. 21(b)**
- F10** Words in s. 28ZB(3)(a) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 88(5)**
- F11** Word in s. 28ZB(3)(b) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 88(5)**
- F12** Words in s. 28ZB(4) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 88(6)(a)**
- F13** Words in s. 28ZB(4)(b) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 88(6)(b)**
- F14** Words in s. 28ZB(4) substituted (3.3.2003 for specified purposes) by Child Support, Pensions and Social Security Act 2000 (c. 19), s. 86(1)(a)(2), **Sch. 3 para. 11(12)(b)** (with s. 83(6)); S.I. 2003/192, art. 3, Sch.
- F15** Words in s. 28ZB(5) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 88(7)(a)**
- F16** Words in s. 28ZB(5) 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. 21(c)**
- F17** Words in s. 28ZB(5) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 88(7)(b)**
- F18** Words in s. 28ZB(7)(a) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 88(8)**

Status:

Point in time view as at 01/08/2012.

Changes to legislation:

Child Support Act 1991, Section 28ZB is up to date with all changes known to be in force on or before 30 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.