



Child Support Act 1995

1995 CHAPTER 34

Application for a departure direction

8 Appeals

In the 1991 Act, insert after section 28G—

“28H Appeals in relation to applications for departure directions

- (1) Any qualifying person who is aggrieved by any decision of the Secretary of State on an application for a departure direction may appeal to a child support appeal tribunal against that decision.
- (2) In subsection (1), “qualifying person” means—
 - (a) the person with care, or absent parent, with respect to whom the current assessment was made, or
 - (b) where the application for the current assessment was made under section 7, either of those persons or the child concerned.
- (3) Except with leave of the chairman of a child support appeal tribunal, no appeal under this section shall be brought after the end of the period of 28 days beginning with the date on which notification was given of the decision in question.
- (4) On an appeal under this section, the tribunal shall—
 - (a) consider the matter—
 - (i) as if it were exercising the powers of the Secretary of State in relation to the application in question; and
 - (ii) as if it were subject to the duties imposed on him in relation to that application;
 - (b) have regard to any representations made to it by the Secretary of State; and
 - (c) confirm the decision or replace it with such decision as the tribunal considers appropriate.”