



# Child Support, Pensions and Social Security Act 2000

## 2000 CHAPTER 19

### PART I

#### CHILD SUPPORT

##### *Appeals*

#### **10 Appeals to appeal tribunals**

For section 20 of the 1991 Act (appeals to appeal tribunals) there shall be substituted—

##### **“20 Appeals to appeal tribunals**

- (1) A qualifying person has a right of appeal to an appeal tribunal against—
  - (a) a decision of the Secretary of State under section 11, 12 or 17 (whether as originally made or as revised under section 16);
  - (b) a decision of the Secretary of State not to make a maintenance calculation under section 11 or not to supersede a decision under section 17;
  - (c) a reduced benefit decision under section 46;
  - (d) the imposition (by virtue of section 41A) of a requirement to make penalty payments, or their amount;
  - (e) the imposition (by virtue of section 47) of a requirement to pay fees.
- (2) In subsection (1), “qualifying person” means—
  - (a) in relation to paragraphs (a) and (b)—
    - (i) the person with care, or non-resident parent, with respect to whom the Secretary of State made the decision, or

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*Status: This is the original version (as it was originally enacted).*

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- (ii) in a case relating to a maintenance calculation which was applied for under section 7, either of those persons or the child concerned;
  - (b) in relation to paragraph (c), the person in respect of whom the benefits are payable;
  - (c) in relation to paragraph (d), the parent who has been required to make penalty payments; and
  - (d) in relation to paragraph (e), the person required to pay fees.
- (3) A person with a right of appeal under this section shall be given such notice as may be prescribed of—
- (a) that right; and
  - (b) the relevant decision, or the imposition of the requirement.
- (4) Regulations may make—
- (a) provision as to the manner in which, and the time within which, appeals are to be brought; and
  - (b) such provision with respect to proceedings before appeal tribunals as the Secretary of State considers appropriate.
- (5) The regulations may in particular make any provision of a kind mentioned in Schedule 5 to the Social Security Act 1998.
- (6) No appeal lies by virtue of subsection (1)(c) unless the amount of the person's benefit is reduced in accordance with the reduced benefit decision; and the time within which such an appeal may be brought runs from the date of notification of the reduction.
- (7) In deciding an appeal under this section, an appeal tribunal—
- (a) need not consider any issue that is not raised by the appeal; and
  - (b) shall not take into account any circumstances not obtaining at the time when the Secretary of State made the decision or imposed the requirement.
- (8) If an appeal under this section is allowed, the appeal tribunal may—
- (a) itself make such decision as it considers appropriate; or
  - (b) remit the case to the Secretary of State, together with such directions (if any) as it considers appropriate.”

## 11 Redetermination of appeals

After section 23 of the 1991 Act there shall be inserted—

### “23A Redetermination of appeals

- (1) This section applies where an application is made to a person under section 24(6)(a) for leave to appeal from a decision of an appeal tribunal.
- (2) If the person who constituted, or was the chairman of, the appeal tribunal considers that the decision was erroneous in law, he may set aside the decision and refer the case either for redetermination by the tribunal or for determination by a differently constituted tribunal.

- (3) If each of the principal parties to the case expresses the view that the decision was erroneous in point of law, the person shall set aside the decision and refer the case for determination by a differently constituted tribunal.
- (4) The “principal parties” are—
  - (a) the Secretary of State; and
  - (b) those who are qualifying persons for the purposes of section 20(2) in relation to the decision in question.”