

Status: Point in time view as at 25/02/2013.

Changes to legislation: Welfare Reform Act 2012, Cross Heading: Child Support Act 1991 (c. 48) is up to date with all changes known to be in force on or before 25 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)

SCHEDULES

SCHEDULE 11

POWER TO REQUIRE CONSIDERATION OF REVISION BEFORE APPEAL

Child Support Act 1991 (c. 48)

4 The Child Support Act 1991 is amended as follows.

Commencement Information

II Sch. 11 para. 4 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24

5 (1) Section 20 (appeals to First-tier Tribunal), as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000 (and subsequently amended), is amended as follows.

(2) After subsection (2) there is inserted—

“(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision mentioned in subsection (1)(a) or (b) only if the [F1Secretary of State] has considered whether to revise the decision under section 16.

(2B) The regulations may in particular provide that that condition is met only where—

- (a) the consideration by the [F1Secretary of State] was on an application,
- (b) the [F1Secretary of State] considered issues of a specified description, or
- (c) the consideration by the [F1Secretary of State] satisfied any other condition specified in the regulations.”

(3) At the end of subsection (4) there is inserted—

“(c) provision that, where in accordance with regulations under subsection (2A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under section 16.”

Textual Amendments

F1 Words in Sch. 11 para. 5(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. 108(2)

Commencement Information

I2 Sch. 11 para. 5 in force at 25.2.2013 for specified purposes by S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24

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- 6 (1) Section 20 (appeals to First-tier Tribunal), as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000, is amended as follows.
- (2) After subsection (3) there is inserted—
- “(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision only if the [F2Secretary of State] has considered whether to revise the decision under section 16.
- (3B) The regulations may in particular provide that that condition is met only where—
- (a) the consideration by the [F2Secretary of State] was on an application,
- (b) the [F2Secretary of State] considered issues of a specified description, or
- (c) the consideration by the [F2Secretary of State] satisfied any other condition specified in the regulations.”
- (3) At the end of subsection (5) there is inserted—
- “(c) provision that, where in accordance with regulations under subsection (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under section 16.”

Textual Amendments

F2 Words in Sch. 11 para. 6(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. 108\(3\)](#)

Commencement Information

I3 [Sch. 11 para. 6](#) in force at 25.2.2013 for specified purposes by [S.I. 2013/358](#), art. 2(1), [Sch. 1 paras. 18, 24](#)

- 7 In section 51A (pilot schemes) at the end there is inserted—

“(6) This section does not apply to regulations under—

(a) subsection (2A) of section 20 as substituted by section 10 of the Child Support, Pensions and Social Security Act 2000;

(b) subsection (3A) of section 20 as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000.”

Commencement Information

I4 [Sch. 11 para. 7](#) in force at 25.2.2013 for specified purposes by [S.I. 2013/358](#), art. 2(1), [Sch. 1 paras. 18, 24](#)

- 8 In section 52 (regulations and orders), in subsection (2)(a), after “section 12(5)(b),” there is inserted “20(2A), 20(3A)“.

Commencement Information

I5 [Sch. 11 para. 8](#) in force at 25.2.2013 for specified purposes by [S.I. 2013/358](#), art. 2(1), [Sch. 1 paras. 18, 24](#)

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