
STATUTORY INSTRUMENTS

1999 No. 1305

**The Child Support Commissioners
(Procedure) Regulations 1999**

PART II

APPLICATIONS FOR LEAVE TO APPEAL AND APPEALS

Application to a Chairman for leave to appeal

10.—(1) An application to a chairman for leave to appeal to a Commissioner from a decision of an appeal tribunal shall be made within one month of the date the written statement of the reasons for the decision was sent to the applicant.

(2) Where an application for leave to appeal to a Commissioner is made by the Secretary of State, the clerk to an appeal tribunal shall, as soon as may be practicable, send a copy of the application to every other party.

(3) Any party who is sent a copy of an application for leave to appeal in accordance with paragraph (2) may make representations in writing within one month of the date the application is sent.

(4) A person determining an application for leave to appeal to a Commissioner shall take into account any further representations received in accordance with paragraph (3) and shall record his decision in writing and send a copy to each party.

(5) Where an applicant has not applied for leave to appeal within one month in accordance with paragraph (1), but makes an application within one year beginning on the day the one month ends, the chairman may for special reasons accept the late application.

(6) Where in any case it is impractical, or would be likely to cause undue delay for an application for leave to appeal against a decision of an appeal tribunal to be determined by the person who was the chairman of that tribunal, that application shall be determined by any other chairman.

Application to a Commissioner for leave to appeal

11.—(1) An application to a Commissioner for leave to appeal against the decision of an appeal tribunal may be made only where the applicant has sought to obtain leave from the chairman and leave has been refused or the application has been rejected.

(2) Subject to paragraph (3) an application to a Commissioner shall be made within one month of the date that notice of the refusal or rejection was sent to the applicant by the appeal tribunal.

(3) A Commissioner may for special reasons accept a late application or an application where the applicant failed to seek leave from the chairman within the specified time, but did so on or before the final date.

(4) In paragraph (3) the final date means the end of a period of 13 months from the date on which the decision of the appeal tribunal or, if later, any separate statement of the reasons for it, was sent to the applicant by the appeal tribunal.

Notice of application for leave to appeal

12.—(1) An application to a chairman or a Commissioner for leave to appeal shall be made by notice in writing, and shall contain—

- (a) the name and address of the applicant;
 - (b) the grounds on which the applicant intends to rely;
 - (c) if the application is made late, the grounds for seeking late acceptance; and
 - (d) an address for sending notices and other documents to the applicant.
- (2) The notice in paragraph (1) shall have with it copies of—
- (a) the decision against which leave to appeal is sought;
 - (b) if separate, the written statement of the appeal tribunal's reasons for it; and
 - (c) if it is an application to a Commissioner, the notice of refusal or rejection sent to the applicant by the appeal tribunal.

(3) Where an application for leave to appeal is made to a Commissioner by the Secretary of State he shall send each respondent a copy of the notice of application and any documents sent with it when they are sent to the Commissioner.

Determination of application

13.—(1) The office shall send written notice to the applicant and each respondent of any determination by a Commissioner of an application for leave to appeal to a Commissioner.

(2) Subject to a direction by a Commissioner, where a Commissioner grants leave to appeal under regulation 11—

- (a) notice of appeal shall be deemed to have been sent on the date when notice of the determination is sent to the applicant; and
- (b) the notice of application shall be deemed to be a notice of appeal sent under regulation 14.

(3) If a Commissioner grants an application for leave to appeal he may, with the consent of the applicant and each respondent, treat and determine the application as an appeal.

Notice of appeal

14.—(1) Subject to regulation 13(2), an appeal shall be made by notice in writing and shall contain—

- (a) the name and address of the appellant;
- (b) the date on which the appellant was notified that leave to appeal had been granted;
- (c) the grounds on which the appellant intends to rely;
- (d) if the appeal is made late, the grounds for seeking late acceptance; and
- (e) an address for sending notices and other documents to the appellant.

- (2) The notice in paragraph (1) shall have with it copies of—
- (a) the notice informing the appellant that leave to appeal has been granted;
 - (b) the decision against which leave to appeal has been granted; and
 - (c) if separate, the written statement of the appeal tribunal's reasons for it.

Time limit for appealing after leave obtained

15.—(1) Subject to paragraph (2), a notice of appeal shall not be valid unless it is sent to a Commissioner within one month of the date on which the appellant was sent written notice that leave to appeal had been granted.

(2) A Commissioner may for special reasons accept a late notice of appeal.

Acknowledgement of a notice of appeal and notification to each respondent

16. The office shall send—

- (a) to the appellant, an acknowledgement of the receipt of the notice of appeal;
- (b) to each respondent, a copy of the notice of appeal.