
STATUTORY INSTRUMENTS

1999 No. 1305

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

PART III

PROCEDURE

Representation

17. A party may conduct his case himself (with assistance from any person if he wishes) or be represented by any person whom he may appoint for the purpose.

Directions on Notice of Appeal

18.—(1) As soon as practicable after the receipt of a notice of appeal a Commissioner shall give any directions that appear to him to be necessary, specifying—

- (a) the parties who are to be respondents to the appeal; and
- (b) the order in which and the time within which any party is to be allowed to make written observations on the appeal or on the observations made by any other party.

(2) If in any case two or more persons who were parties to the proceedings before the appeal tribunal give notice of appeal to a Commissioner, a Commissioner shall direct which one of them is to be treated as the appellant and thereafter, but without prejudice to any rights or powers conferred on appellants by these Regulations, any other person who has given notice of appeal shall be treated as a respondent.

(3) Subject to an abridgement of time under regulation 5(2)(a), the time specified in directions given under paragraph (1)(b) shall be not less than one month beginning with the day on which the notice of the appeal or, as the case may be, the observations were sent to the party concerned.

General Directions

19.—(1) Where a Commissioner considers that an application or appeal made to him gives insufficient particulars to enable the question at issue to be determined, he may direct the party making the application or appeal, or any respondent, to furnish any further particulars which may be reasonably required.

(2) In the case of an application for leave to appeal, or an appeal from an appeal tribunal, a Commissioner may, before determining the application or appeal, direct the tribunal to submit a statement of such facts or other matters as he considers necessary for the proper determination of that application or appeal.

(3) At any stage of the proceedings, a Commissioner may, on or without an application, give any directions as he may consider necessary or desirable for the efficient despatch of the proceedings.

(4) A Commissioner may direct any party before him to make any written observations as may seem to him necessary to enable the question at issue to be determined.

(5) An application under paragraph (3) shall be made in writing to a Commissioner and shall set out the direction which the applicant seeks.

(6) Unless a Commissioner shall otherwise determine, the office shall send a copy of an application under paragraph (3) to every other party.

Procedure on linked case notice from the Secretary of State

20. Any notice from the Secretary of State to a Commissioner under section 28ZB of the Act⁽¹⁾ (Appeal involving issues that arise on appeal in other cases) shall be sent by notice in writing signed by or on behalf of the Secretary of State and shall identify, by its file reference or the names of the parties involved, each appeal or application to which it relates.

Requests for hearings

21.—(1) Subject to paragraphs (2), (3) and (4), a Commissioner may determine any proceedings without a hearing.

(2) Where a request for a hearing is made by any party, a Commissioner shall grant the request unless he is satisfied that the proceedings can properly be determined without a hearing.

(3) Where a Commissioner refuses a request for a hearing, he shall send written notice to the person making the request, either before or at the same time as making his determination or decision.

(4) A Commissioner may, without an application and at any stage, direct a hearing.

Hearings

22.—(1) This regulation applies to any hearing of an application or appeal to which these Regulations apply.

(2) Subject to paragraph (3), the office shall give reasonable notice of the time and place of any hearing before a Commissioner.

(3) Unless all the parties concerned agree to a hearing at shorter notice, the period of notice specified under paragraph (2) shall be at least 14 days before the date of the hearing.

(4) If any party to whom notice of a hearing has been sent fails to appear at the hearing, the Commissioner may proceed with the case in that party's absence, or may give directions with a view to the determination of the case.

(5) Any hearing before a Commissioner shall be in public, unless the Commissioner for special reasons directs otherwise.

(6) Where a Commissioner holds a hearing the applicant or appellant, every respondent and, with the leave of a Commissioner, any other person, shall be entitled to be present and be heard.

(7) Any person entitled to be heard at a hearing may—

(a) address the Commissioner;

(b) with the leave of the Commissioner, give evidence, call witnesses and put questions directly to any other person called as a witness.

(8) Nothing in these Regulations shall prevent a member of the Council on Tribunals or of the Scottish Committee of the Council in his capacity as such from being present at a hearing before a Commissioner which is not held in public.

(1) Section 28ZB was inserted in the Act by section 43 of the Social Security Act 1998 (c. 14).

Summoning of witnesses

23.—(1) Subject to paragraph (2), a Commissioner may summon any person to attend a hearing as a witness, at such time and place as may be specified in the summons, to answer any questions or produce any documents in his custody or under his control which relate to any matter in question in the proceedings.

(2) A person shall not be required to attend in obedience to a summons under paragraph (1) unless he has been given at least 14 days' notice before the date of the hearing or, if less than 14 days, has informed the Commissioner that he accepts such notice as he has been given.

(3) Upon the application of a person summoned under this regulation, a Commissioner may set the summons aside.

(4) A Commissioner may require any witness to give evidence on oath and for this purpose an oath may be administered in due form.

Withdrawal of applications for leave to appeal and appeals

24.—(1) At any time before it is determined, an applicant may withdraw an application to a Commissioner for leave to appeal against a decision of an appeal tribunal by giving written notice to a Commissioner.

(2) At any time before the decision is made, the appellant may withdraw his appeal with the leave of a Commissioner.

(3) A Commissioner may, on application by the party concerned, give leave to reinstate any application or appeal which has been withdrawn in accordance with paragraphs (1) and (2) and, on giving leave, he may make directions as to the conduct of the proceedings.

Irregularities

25. Any irregularity resulting from failure to comply with the requirements of these Regulations shall not by itself invalidate any proceedings, and the Commissioner, before reaching his decision, may waive the irregularity or take steps to remedy it.