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STATUTORY INSTRUMENTS

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**1999 No. 991**

**The Social Security and Child Support  
(Decisions and Appeals) Regulations 1999**

**<sup>F1</sup> PART III**

**SUSPENSION, TERMINATION AND OTHER MATTERS**

**CHAPTER II**

**OTHER MATTERS**

**Decisions involving issues that arise on appeal in other cases**

**21.**—(1) For the purposes of section 25(3)(b) (prescribed cases and circumstances in which a decision may be made on a prescribed basis) a case which satisfies the condition in paragraph (2) is a prescribed case.

(2) The condition is that the claimant would be entitled to the benefit to which the decision which falls to be made relates, even if the appeal in the other case referred to in section 25(1)(b) were decided in a way which is the most unfavourable to him.

(3) For the purposes of section 25(3)(b), the prescribed basis on which the Secretary of State [<sup>F1</sup>or the Board] may make the decision is as if—

- (a) the appeal in the other case which is referred to in section 25(1)(b) had already been determined; and
- (b) that appeal had been decided in a way which is the most unfavourable to the claimant.

(4) The circumstance prescribed under section 25(5)(c), where an appeal is pending against a decision for the purposes of that section, even though an appeal against the decision has not been brought (or, as the case may be, an application for [<sup>F2</sup>permission] to appeal against the decision has not been made) but the time for doing so has not yet expired, is where the Secretary of State [<sup>F3</sup>or the Board]—

- (a) certifies in writing that he is [<sup>F4</sup>, or certify in writing that they are,] considering appealing against that decision; and
- (b) considers [<sup>F5</sup>, or consider,] that, if such an appeal were to be determined in a particular way—
  - (i) there would be no entitlement to benefit in a case to which section 25(1)(a) refers; or
  - (ii) the appeal would affect the decision in that case in some other way.

**Textual Amendments**

**F1** Words in reg. 21(3) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **16(2)**

- F2** Word in reg. 21(4) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 111**
- F3** Words in reg. 21(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570) , regs. 1 , **16(3)(a)**
- F4** Words in reg. 21(4)(a) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570) , regs. 1 , **16(3)(b)**
- F5** Words in reg. 21(4)(b) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570) , regs. 1 , **16(3)(c)**

### Appeals involving issues that arise in other cases

**22.** The circumstance prescribed under section 26(6)(c), where an appeal is pending against a decision in the case described in section 26(1)(b) even though an appeal against the decision has not been brought (or, as the case may be, an application for [F<sup>6</sup>permission] to appeal against the decision has not been made) but the time for doing so has not yet expired, is where the Secretary of State [F<sup>7</sup>or the Board]—

- (a) certifies in writing that he is [F<sup>8</sup>, or certify in writing that they are,] considering appealing against that decision; and
- (b) considers [F<sup>9</sup>, or consider,] that, if such an appeal were already determined, it would affect the determination of the appeal described in section 26(1)(a).

#### Textual Amendments

- F6** Word in reg. 22 substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 112**
- F7** Words in reg. 22 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570) , regs. 1 , **17(a)**
- F8** Words in reg. 22(a) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570) , regs. 1 , **17(b)**
- F9** Words in reg. 22(b) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570) , regs. 1 , **17(c)**

### Child support decisions involving issues that arise on appeal in other cases

**23.**—[F<sup>10</sup>(1) For the purposes of section 28ZA(2)(b) of the Child Support Act <sup>M1</sup> (prescribed cases and circumstances in which a decision may be made on a prescribed basis), a case which satisfies either of the conditions in paragraph (2) is a prescribed case.

- (2) The conditions referred to in paragraph (1) are that—
  - (a) if a decision were not made on the basis prescribed in paragraph (3), the parent with care would become entitled to income support if a claim were made, or to an increased amount of that benefit;
  - (b) the [F<sup>11</sup>non-resident parent] is an employed earner or a self-employed earner.
- (3) For the purposes of section 28ZA(2)(b) of the Child Support Act, the prescribed basis on which the [F<sup>12</sup>Secretary of State] may make the decision is as if—
  - (a) the appeal in relation to the different maintenance [F<sup>13</sup>calculation], which is referred to in section 28ZA(1)(b) of that Act had already been determined; and

- (b) that appeal had been decided in a way that was the most unfavourable to the applicant for the decision mentioned in section 28ZA(1)(a) of that Act.
- (4) The circumstances prescribed under section 28ZA(4)(c) of the Child Support Act (where an appeal is pending against a decision for the purposes of that section, even though an appeal against the decision has not been brought or, as the case may be, an application for <sup>F14</sup>permission] to appeal against the decision has not been made but the time for doing so has not expired), are that the <sup>F15</sup>Secretary of State]—
- (a) certifies in writing that <sup>F15</sup>the Secretary of State] is considering appealing against that decision; and
- (b) <sup>F15</sup>the Secretary of State] considers that, if such an appeal were to be determined in a particular way—
- (i) there would be no liability for child support maintenance, or
- (ii) such liability would be less than would be the case were an appeal not made.
- (5) In this regulation—
- “<sup>F16</sup>non-resident parent]” and “parent with care” have the same meaning as in section 54 of the Child Support Act;
- “employed earner” and “self-employed earner” have the same meaning as in section 2(1) of the Contributions and Benefits Act.]

#### Textual Amendments

- F10** Reg. 23 omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**
- F11** Words in reg. 23(2)(b) substituted (3.3.2003 with effect in accordance with reg. 1(1), (3) of the amending S.I.) by [The Child Support \(Consequential Amendments and Transitional Provisions\) Regulations 2001 \(S.I. 2001/158\)](#), reg. 1(1), (3), 4(2); S.I. 2001/192 , art. 3, **Sch.**
- F12** Words in reg. 23(3) 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. 113(10)(a)**
- F13** Word in reg. 23(3)(a) substituted (3.3.2003 with effect in accordance with reg. 1(1), (3) of the amending S.I.) by [The Child Support \(Consequential Amendments and Transitional Provisions\) Regulations 2001 \(S.I. 2001/158\)](#), **reg. 1(1)**, (3), 4(3); S.I. 2001/192 , art. 3, **Sch.**
- F14** Word in reg. 23(4) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 113**
- F15** Words in reg. 23(4) 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. 113(10)(b)**
- F16** Words in reg. 23(5) substituted (3.3.2003 with effect in accordance with reg. 1(1), (3) of the amending S.I.) by [The Child Support \(Consequential Amendments and Transitional Provisions\) Regulations 2001 \(S.I. 2001/158\)](#), **reg. 1(1)**, (3), 4(2); S.I. 2001/192 , art. 3, **Sch.**

#### Marginal Citations

- M1** Section 28ZA was inserted by section 43 of the Social Security Act 1998.

### Child support appeals involving issues that arise in other cases

24. <sup>F17</sup> The circumstances prescribed under section 28ZB(6)(c) of the Child Support Act <sup>M2</sup>, where an appeal is pending against a decision in the case described in section 28ZB(1)(b) even

though an appeal against the decision has not been brought (or, as the case may be, an application for [F18 permission] to appeal against the decision has not been made), is where the [F19 Secretary of State] —

- (a) certifies in writing that [F20 the Secretary of State] is considering appealing against that decision, and
- (b) considers that, if such an appeal were already determined, it would affect the determination of the appeal described in section 28ZB(1)(a).]

#### Textual Amendments

- F17** Reg. 24 omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(3)**
- F18** Word in reg. 24 substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 114**
- F19** Words in reg. 24 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. 113(11)(a)**
- F20** Words in reg. 24(a) 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. 113(11)(b)**

#### Marginal Citations

- M2** Section 28ZB was inserted by section 43 of the Social Security Act 1998.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, CHAPTER II.