
STATUTORY INSTRUMENTS

1999 No. 991

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

^{F1} PART III

SUSPENSION, TERMINATION AND OTHER MATTERS

CHAPTER II

OTHER MATTERS

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

23.—^{F1}(1) For the purposes of section 28ZA(2)(b) of the Child Support Act ^{M1} (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 [^{F2}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 [^{F3}Secretary of State] may make the decision is as if—

- (a) the appeal in relation to the different maintenance [^{F4}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 [^{F5}permission] to appeal against the decision has not been made but the time for doing so has not expired), are that the [^{F6}Secretary of State]—

- (a) certifies in writing that [^{F6}the Secretary of State] is considering appealing against that decision; and
- (b) [^{F6}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—

“^{F7}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

- F1** 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)**
- F2** 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.**
- F3** 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)**
- F4** 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.**
- F5** 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**
- F6** 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)**
- F7** 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.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, Section 23.