

STATUTORY INSTRUMENTS

1999 No. 991

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

PART V

**APPEAL TRIBUNALS FOR SOCIAL SECURITY CONTRACTING
OUT OF PENSIONS VACCINE DAMAGE AND CHILD SUPPORT**

CHAPTER V

DECISIONS OF APPEAL TRIBUNALS AND RELATED MATTERS

*APPLICATIONS FOR LEAVE TO APPEAL TO A
COMMISSIONER (NOT INCLUDING CHILD SUPPORT)*

Application for leave to appeal to a Commissioner from an appeal tribunal

58.—^{F1}(1) ^{F2}Subject to paragraph (1A),] an application for leave to appeal to a Commissioner from a decision of an appeal tribunal under ^{F3}section 13 of the 1997 Act or under] section 12 or 13 shall—

- (a) be ^{F4}sent to the clerk to the appeal tribunal within the period of one month of the date of the applicant being sent] a written statement of the reasons for the decision against which leave to appeal is sought; and
- ^{F5}(b) be in writing and signed by the applicant or, where he has given written authority to a representative to make the application on his behalf, by that representative;
- (c) contain particulars of the grounds on which the applicant intends to rely;
- (d) contain sufficient particulars of the decision of the appeal tribunal to enable the decision to be identified; and
- (e) if the application is made late, contain the grounds for seeking late acceptance.]

^{F6}(1A) Where after the written statement of the reasons for the decision has been sent to the parties to the proceedings—

- (a) the decision notice is corrected in accordance with regulation 56; or
- (b) an application under regulation 57 for the decision to be set aside is refused for reasons other than a refusal to extend the time for making the application,

the period specified in paragraph (1)(a) shall run from the date on which notice of the correction or the refusal of the application for setting aside is sent to the applicant.]

(2) Where an application for leave to appeal to a Commissioner is made by the Secretary of State ^{F7}or the Board], the clerk to an appeal tribunal shall, as soon as may be practicable, send a copy of the application to every other party to the proceedings.

^{F8}(3)

[^{F9}(4) A person determining an application for leave to appeal to a Commissioner shall record his determination in writing and send a copy to every party to the proceedings.]

(5) Where there has been a failure to apply for leave to appeal within the period of time specified in paragraph (1)(a) [^{F10}or (1A)] but an application is made within one year of the last date for making an application within that period, a legally qualified panel member may, if for special reasons he thinks fit, accept and proceed to consider and determine the application.

[^{F11}(6) Where an application for leave to appeal against a decision of an appeal tribunal is made—

- (a) if the person who constituted, or was the chairman of, the appeal tribunal when the decision was given was a fee-paid legally qualified panel member, the application may be determined by a salaried legally qualified panel member; or
- (b) if it is impracticable, or it would be likely to cause undue delay, for the application to be determined by whoever constituted, or was the chairman of, the appeal tribunal when the decision was given, the application may be determined by another legally qualified panel member.]]

Textual Amendments

- F1** Regs. 49-58 omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683) , art. 1 , **Sch. 1 para. 126** (with arts. 3(2)(c) , 4)
- F2** Words in reg. 58(1) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(18)(a)(i)**
- F3** Words in reg. 58(1) inserted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(a)(i)**
- F4** Words in reg. 58(1)(a) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(a)(ii)**
- F5** Reg. 58(1)(b)-(e) substituted for reg. 58(1)(b) (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(18)(a)(ii)**
- F6** Reg. 58(1A) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(18)(b)**
- F7** Words in reg. 58(2) 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 , **27**
- F8** Reg. 58(3) omitted (20.5.2002) by virtue of Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(b)**
- F9** Reg. 58(4) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(c)**
- F10** Words in reg. 58(5) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337) , regs. 1 , **2(18)(c)**
- F11** Reg. 58(6) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379) , regs. 1(1) , **20(d)**

Modifications etc. (not altering text)

- C1** Reg. 58 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398) , regs. 1(1) , **8**
- C2** Reg. 58 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593) , regs. 1(1) , **8** (with reg. 8(4))

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, Section 58 .