



2000 CHAPTER 4

PART I
CHILD SUPPORT

Appeals

Appeals to appeal tribunals

10. For Article 22 of the Child Support Order (appeals to appeal tribunals) there shall be substituted—

“Appeals to appeal tribunals

22.—(1) A qualifying person has a right of appeal to an appeal tribunal against—

- (a) a decision of the Department under Article 13, 14 or 19 (whether as originally made or as revised under Article 18);
- (b) a decision of the Department not to make a maintenance calculation under Article 13 or not to supersede a decision under Article 19;
- (c) a reduced benefit decision under Article 43;
- (d) the imposition (by virtue of Article 38A) of a requirement to make penalty payments, or their amount;
- (e) the imposition (by virtue of Article 44) of a requirement to pay fees.

(2) In paragraph (1), “qualifying person” means—

- (a) in relation to sub-paragraphs (a) and (b), the person with care, or non-resident parent, with respect to whom the Department made the decision;
 - (b) in relation to sub-paragraph (c), the person in respect of whom the benefits are payable;
 - (c) in relation to sub-paragraph (d), the parent who has been required to make penalty payments; and
 - (d) in relation to sub-paragraph (e), the person required to pay fees.
- (3) A person with a right of appeal under this Article shall be given such notice as may be prescribed of—
- (a) that right; and
 - (b) the relevant decision, or the imposition of the requirement.
- (4) Regulations may make—
- (a) provision as to the manner in which, and the time within which, appeals are to be brought; and
 - (b) such provision with respect to proceedings before appeal tribunals as the Department considers appropriate.
- (5) The regulations may in particular make any provision of a kind mentioned in Schedule 4 to the Social Security (Northern Ireland) Order 1998.
- (6) No appeal lies by virtue of paragraph (1)(c) unless the amount of the person's benefit is reduced in accordance with the reduced benefit decision; and the time within which such an appeal may be brought runs from the date of notification of the reduction.
- (7) In deciding an appeal under this Article, an appeal tribunal—
- (a) need not consider any issue that is not raised by the appeal; and
 - (b) shall not take into account any circumstances not obtaining at the time when the Department made the decision or imposed the requirement.
- (8) If an appeal under this Article is allowed, the appeal tribunal may—
- (a) itself make such decision as it considers appropriate; or
 - (b) remit the case to the Department, together with such directions (if any) as it considers appropriate.”.

Redetermination of appeals

- 11.** After Article 24 of the Child Support Order there shall be inserted—

“Redetermination of appeals

24A.—(1) This Article applies where an application is made to a person under Article 25(6)(a) for leave to appeal from a decision of an appeal tribunal.

(2) If the person who constituted, or was the chairman of, the appeal tribunal considers that the decision was erroneous in point of law, he may set aside the decision and refer the case either for redetermination by the tribunal or for determination by a differently constituted tribunal.

(3) If each of the principal parties to the case expresses the view that the decision was erroneous in point of law, the person shall set aside the decision and refer the case for determination by a differently constituted tribunal.

(4) The “principal parties” are—

(a) the Department; and

(b) those who are qualifying persons for the purposes of Article 22(2) in relation to the decision in question.”.