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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 162**

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

**PART IV**

**RIGHTS OF APPEAL AND PROCEDURE FOR BRINGING APPEALS**

*CHAPTER II*

*General appeals matters including child support appeals*

**Making of appeals and applications**

**33.**—(1) An appeal, or an application for an extension of time for making an appeal to an appeal tribunal, shall be in writing either on a form approved for the purpose by the Department or in such other format as it accepts as sufficient for the purpose and shall—

(a) be signed by—

(i) the person who has a right of appeal to an appeal tribunal under Article 22(1) to (3) of the Child Support Order (including that Article as extended by paragraph 3 of Schedule 4C to that Order), Article 13(2) of the Recovery of Benefits Order or Article 13(2) of the Order, or

(ii) where the person mentioned in head (i) has provided written authority to a representative to act on his behalf, by that representative;

(b) be sent or delivered to an office of the Department;

(c) contain particulars of the grounds on which it is made; and

(d) contain sufficient particulars of the decision, the certificate of recoverable benefits or, as the case may be, the subject of the application to enable that decision, certificate or subject of the application to be identified.

(2) A form which is not completed in accordance with the instructions on it—

(a) except where paragraph (3) applies, does not satisfy the requirements of paragraph (1); and

(b) may be returned by the Department to the sender for completion in accordance with those instructions.

(3) Where the Department is satisfied that the form, although not completed in accordance with the instructions on it, includes sufficient information to enable the appeal or application to proceed, it may treat the form as satisfying the requirements of paragraph (1).

(4) Where an appeal or application is made in writing otherwise than on the approved form (“the letter”), and the letter includes sufficient information to enable the appeal or application to proceed, the Department may treat the letter as satisfying the requirements of paragraph (1).

(5) Where the letter does not include sufficient information to enable the appeal or application to proceed, the Department may request further information in writing (“further particulars”) from the person who wrote the letter.

(6) Where a person to whom a form is returned or from whom further particulars are requested duly completes and returns the form or sends the further particulars and the form or, as the case may be, further particulars are received by the Department within—

- (a) 14 days of the date on which the form was returned to him by the Department;
- (b) 14 days of the date on which the Department’s request was made (“the date of request”); or
- (c) such longer period as the Department may direct,

the time for making the appeal shall be extended by 14 days from the date on which the form was returned, the date of request or, as the case may be, the date of the Department’s direction.

(7) Where a person to whom a form is returned or from whom further particulars are requested does not complete and return the form or send further particulars within the period of time specified in paragraph (6)—

- (a) the Department shall forward a copy of the form or, as the case may be, the letter, together with any other relevant documents or evidence to a legally qualified panel member; and
- (b) that panel member shall determine whether the form or the letter satisfies the requirements of paragraph (1), and shall inform the appellant or applicant and the Department of his determination.

(8) Where—

- (a) a form is duly completed and returned or further particulars are sent after the expiry of the period of time allowed in accordance with paragraph (6); and
- (b) no decision has been made under paragraph (7) at the time the form or the further particulars are received by the Department,

that form or those further particulars shall also be forwarded to the legally qualified panel member who shall take into account any further information or evidence set out in the form or further particulars.