



Child Maintenance and Other Payments Act 2008

2008 CHAPTER 6

PART 4

LUMP SUM PAYMENTS: MESOTHELIOMA ETC.

Mesothelioma lump sum payments

50 Appeal to [^{F1}First-tier Tribunal]

- (1) A person who has made a claim under section 46 may appeal against a determination made by the Secretary of State—
- on the claim, or
 - on reconsideration under section 49 of a determination made on the claim.

[^{F2}(1A) Regulations may provide that, in such cases or circumstances as may be prescribed, a person may appeal against a determination made on a claim only if the Secretary of State has decided whether to reconsider the determination under section 49.

- (1B) The regulations may in particular provide that that condition is met only where—
- the decision of the Secretary of State was on an application,
 - the Secretary of State considered issues of a specified description, or
 - the decision of the Secretary of State satisfied any other condition specified in the regulations.]

- (2) Subject to regulations under subsection (4)(c), the Secretary of State must refer any appeal to [^{F3}the First-tier Tribunal]
- (3) On an appeal the tribunal may substitute for the determination concerned any determination which could have been made in accordance with this Part.
- (4) Regulations may make provision—
- as to the manner in which, and the time within which, an appeal may be made;

Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Section 50. (See end of Document for details)

- (b) ^{F4}
- (c) for the purpose of enabling an appeal under subsection (1)(a)^{F5}(or, where in accordance with regulations under subsection (1A) there is no right of appeal, any purported appeal)] to be treated as an application for reconsideration under section 49 of the determination made on the claim.

Textual Amendments

- F1** S. 50 heading: words substituted (3.11.2003) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 226(a)**
- F2** S. 50(1A)(1B) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 11 para. 17(2)** (with s. 102(7)-(9)); S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24; S.I. 2013/983, art. 8
- F3** Words in s. 50(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 226(b)**
- F4** S. 50(4)(b) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), **Sch. 3 para. 226(c)**
- F5** Words in s. 50(4)(c) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 11 para. 17(3)**; S.I. 2013/358, art. 2(1), Sch. 1 paras. 18, 24; S.I. 2013/983, art. 8

Commencement Information

- I1** S. 50 wholly in force; s. 50 not in force at Royal Assent see s. 62; s. 50(4)(c) in force for certain purposes at 10.6.2008 and otherwise at 1.10.2008 by [S.I. 2008/1476](#), **art. 3(1)(a)** {(2)(a)}, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Section 50.