



Saving Gateway Accounts Act 2009

2009 CHAPTER 8

Appeals

23 Rights of appeal

- (1) A person may appeal against a decision by the Commissioners—
 - (a) not to approve the person under section 4(1) as an approved account provider;
 - (b) to withdraw the person's approval;
 - (c) not to pay to the person an amount claimed under regulations made under section 11(3);
 - (d) not to issue a notice of eligibility to the person under section 2;
 - (e) that an account held by the person is not a Saving Gateway account.
- (2) A person who is required, under regulations made under section 12 or 14, to account for an amount may appeal against the decision to impose the requirement.
- (3) A person on whom a penalty under section 19, 20 or 21 is imposed may appeal against the decision to impose the penalty.
- (4) A person on whom a penalty under section 19(2), 20 or 21 is imposed may appeal against the amount of the penalty.

24 Exercise of rights of appeal

- (1) Notice of an appeal under section 23 must be given to the Commissioners within 30 days after the date on which notice of the decision was given.
- (2) Notice of a tax appeal or a Northern Ireland appeal must—
 - (a) specify the grounds of appeal;
 - (b) be given in writing;
 - (c) contain sufficient information to identify the appellant and the decision against which the appeal is being made; and
 - (d) be signed, or authenticated in another way approved by the Commissioners, by or on behalf of the appellant.

- (3) In subsection (2)—
- “tax appeal” means an appeal in any part of the United Kingdom against a requirement to account for an amount under regulations made under section 14;
- “Northern Ireland appeal” means an appeal in Northern Ireland against any other requirement or decision.
- (4) Regulations may apply any provision of an enactment specified in subsection (5), with or without modifications, to an appeal under section 23.
- (5) Those enactments are—
- (a) Part 5 of the Taxes Management Act 1970 (c. 9) (tax appeals);
 - (b) the Social Security Act 1998 (c. 14) (social security appeals: Great Britain);
 - (c) the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) (social security appeals: Northern Ireland);
 - (d) the Tribunals, Courts and Enforcement Act 2007 (c. 15).
- (6) An order may add an enactment to the list in subsection (5), remove an enactment from the list or amend an entry in the list.

25 Appeals: jurisdiction and powers

- (1) In this section “the tribunal” means—
- (a) in relation to appeals in England and Wales or Scotland, and in relation to appeals in Northern Ireland against a requirement to account for an amount under regulations made under section 14, the First-tier Tribunal, or where determined by or under Tribunal Procedure Rules, the Upper Tribunal, and
 - (b) in relation to other appeals in Northern Ireland, an appeal tribunal constituted under Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) (“the 1998 Order”).
- (2) On an appeal under section 23(1) or (2), the tribunal may—
- (a) confirm the decision of the Commissioners,
 - (b) set aside the decision of the Commissioners, or
 - (c) allow the appeal in part.
- (3) On an appeal under section 23(3) or (4), the tribunal may—
- (a) if it appears that no penalty has been incurred, set the decision to impose the penalty aside;
 - (b) if the amount of the penalty appears to be appropriate, confirm the decision to impose it and its amount;
 - (c) if the amount set appears to be excessive, reduce it to such other amount (including nil) as they consider appropriate;
 - (d) if the amount set appears to be insufficient, increase it to such amount not exceeding the permitted maximum as they consider appropriate.
- (4) In addition to any right of appeal on a point of law under section 11(2) of the Tribunals, Courts and Enforcement Act 2007 (c. 15), a person who is found liable to a penalty by the First-tier Tribunal has a right of appeal to the Upper Tribunal, and on such an appeal the Upper Tribunal has a similar jurisdiction to that conferred on the tribunal by subsection (3).

- (5) For the purposes of Article 15 of the 1998 Order, a decision of an appeal tribunal constituted under Chapter 1 of Part 2 of the 1998 Order (a “Northern Ireland tribunal”) on an appeal under this Act is to be treated as if it were a decision under Article 13 or 14 of the 1998 Order.
- (6) In addition to any right of appeal on a point of law under Article 15 of the 1998 Order, a person who is found liable to a penalty by a Northern Ireland tribunal has a right of appeal to the Northern Ireland Social Security Commissioner, and on such an appeal the Commissioner has a similar jurisdiction to that conferred on the tribunal by subsection (3).
- (7) In subsection (6), “Northern Ireland Social Security Commissioner” means—
- (a) the Chief Social Security Commissioner or any other Social Security Commissioner appointed under the Social Security Administration (Northern Ireland) Act 1992 (c. 8), or
 - (b) a tribunal of two or more Commissioners constituted under Article 16(7) of the 1998 Order.