

---

STATUTORY INSTRUMENTS

---

**1992 No. 2640**

**The Child Support Commissioners  
(Procedure) Regulations 1992**

**PART III**

**GENERAL PROCEDURE**

**Other directions**

**10.**—(1) Where it appears to a Commissioner that an application or appeal which is made to him gives insufficient particulars to enable the question at issue to be determined, he may direct the party making the application or appeal or any respondent to furnish such further particulars as may reasonably be required.

(2) At any stage of the proceedings a Commissioner may, either of his own motion or on application, give such directions or further directions as he may consider necessary or desirable for the efficient and effective despatch of the proceedings.

(3) Without prejudice to the provisions of paragraph (2), a Commissioner may direct any party to any proceedings before him to make such written observations as may seem to him necessary to enable the question at issue to be determined.

(4) An application under paragraph (2) shall be made in writing to a Commissioner and shall set out the direction which the applicant is seeking to have made and the grounds for the application.

(5) Unless a Commissioner otherwise determines, an application made pursuant to paragraph (2) shall be copied by the office of the Child Support Commissioners to the other parties.

(6) The powers to give directions conferred by paragraphs (2) and (3) include power to revoke or vary any such direction.

**Requests for oral hearings**

**11.**—(1) Subject to paragraphs (2) and (3), a Commissioner may determine an application for leave to appeal or an appeal without an oral hearing.

(2) Where in any proceedings before a Commissioner a request is made by any party for an oral hearing the Commissioner shall grant the request unless, after considering all the circumstances of the case and the reasons put forward in the request for the hearing, he is satisfied that the application or appeal can properly be determined without a hearing, in which event he may proceed to determine the case without a hearing and he shall in writing either before giving his determination or decision, or in it, inform the person making the request that it has been refused.

(3) A Commissioner may of his own motion at any stage, if he is satisfied that an oral hearing is desirable, direct such a hearing.

### **Representation at an oral hearing**

12. At any oral hearing a party may conduct his case himself (with assistance from any person if he wishes) or be represented by any person whom he may appoint for the purpose.

### **Oral hearings**

13.—(1) This regulation applies to any oral hearing to which these Regulations apply.

(2) Reasonable notice (being not less than 10 days beginning with the day on which notice is given and ending on the day before the hearing of the case is to take place) of the time and place of any oral hearing before a Commissioner shall be given to the parties by the office of the Child Support Commissioners.

(3) If any party to whom notice of an oral hearing has been given in accordance with these Regulations should fail to appear at the hearing, the Commissioner may, having regard to all the circumstances including any explanation offered for the absence, proceed with the case notwithstanding that party's absence, or may give such directions with a view to the determination of the case as he thinks fit.

(4) Any oral hearing before a Commissioner shall be in public except where the Commissioner for special reasons directs otherwise, in which case the hearing or any part thereof shall be in private.

(5) Where a Commissioner holds an oral hearing the applicant or appellant and every respondent shall be entitled to be present and be heard.

(6) Any person entitled to be heard at an oral hearing may—

- (a) address the Commissioner;
- (b) with the leave of the Commissioner but not otherwise, give evidence, call witnesses and put questions directly to any other person called as a witness.

(7) Nothing in these Regulations shall prevent a member of the Council on Tribunals or of the Scottish Committee of the Council in his capacity as such from being present at an oral hearing before a Commissioner notwithstanding that the hearing is not in public.

### **Summoning of witnesses**

14.—(1) Subject to paragraph (2), a Commissioner may summon any person to attend as a witness at an oral hearing, at such time and place as may be specified in the summons, to answer any questions or produce any documents in his custody or under his control which relate to any matter in question in the proceedings.

(2) No person shall be required to attend in obedience to a summons under paragraph (1) unless he has been given at least 7 days' notice of the hearing or, if less than 7 days, has informed the Commissioner that he accepts such notice as he has been given.

(3) A Commissioner may upon the application of a person summoned under this regulation set the summons aside.

(4) A Commissioner may require any witness to give evidence on oath and for that purpose there may be administered an oath in due form.

### **Postponement and adjournment**

15.—(1) A Commissioner may, either of his own motion or on an application by any party to the proceedings, postpone an oral hearing.

(2) An oral hearing, once commenced, may be adjourned by the Commissioner at any time either on the application of any party to the proceedings or of his own motion.

### **Withdrawal of applications for leave to appeal and appeals**

16.—(1) At any time before it is determined, an application to a Commissioner for leave to appeal against a decision of an appeal tribunal may be withdrawn by the applicant by giving written notice to a Commissioner of his intention to do so.

(2) At any time before the decision is made, an appeal to a Commissioner may, with the leave of a Commissioner, be withdrawn by the appellant.

(3) A Commissioner may, on application by the party concerned, give leave to reinstate any application or appeal which has been withdrawn in accordance with paragraphs (1) and (2) and, on giving leave, he may make such directions as to the future conduct of the proceedings as he thinks fit.

### **Irregularities**

17. Any irregularity resulting from failure to comply with the requirements of these Regulations before a Commissioner has determined the application or appeal shall not by itself invalidate any proceedings, and the Commissioner, before reaching his decision, may waive the irregularity or take such steps as he thinks fit to remedy the irregularity whether by amendment of any document, or the giving of any notice or directions or otherwise.