
STATUTORY INSTRUMENTS

1999 No. 991

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

**PART I
GENERAL**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security and Child Support (Decisions and Appeals) Regulations 1999.

(2) These Regulations shall come into force—

- (a) in so far as they relate to child support and for the purposes of this regulation and regulation 2 on 1st June 1999;
- (b) in so far as they relate to—
 - (i) industrial injuries benefit, guardian’s allowance and child benefit; and
 - (ii) a decision made under the Pension Schemes Act 1993(1) by virtue of section 170(2) of that Act;
on 5th July 1999;
- (c) in so far as they relate to retirement pension, widow’s benefit, incapacity benefit, severe disablement allowance and maternity allowance, on 6th September 1999;
- (d) in so far as they relate to family credit and disability working allowance, on 5th October 1999;
- (e) in so far as they relate to attendance allowance, disability living allowance, invalid care allowance, jobseeker’s allowance, credits of contributions or earnings, home responsibilities protection and vaccine damage payments, on 18th October 1999; and
- (f) for all remaining purposes, on 29th November 1999.

(3) In these Regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1998;

“the 1997 Act” means the Social Security (Recovery of Benefits) Act 1997(2);

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(3);

“appeal” means an appeal to an appeal tribunal;

“claimant” means—

(1) 1993 c. 48; section 170 was substituted by paragraph 131 of Schedule 7 to the Social Security Act 1998.

(2) 1997 c. 27.

(3) S.I.1987/1968.

- (a) any person who is a claimant for the purposes of section 191 of the Administration Act or section 35(1) of the Jobseekers Act or any other person from whom benefit is alleged to be recoverable; and
- (b) any person subject to a decision of the Secretary of State under the Pension Schemes Act 1993⁽⁴⁾;

“clerk to the appeal tribunal” means a clerk assigned to the appeal tribunal in accordance with regulation 37;

“the date of notification” means—

- (a) the date that notification of a decision of the Secretary of State is treated as having been given or sent in accordance with regulation 2(b); or
- (b) in the case of a social fund payment arising in accordance with regulations made under section 138(2) of the Contributions and Benefits Act—
 - (i) the date seven days after the date on which the Secretary of State makes his decision to make a payment to a person to meet expenses for heating;
 - (ii) where a person collects the instrument of payment at a post office, the date the instrument is collected;
 - (iii) where an instrument of payment is sent to a post office for collection but is not collected and a replacement instrument is issued, the date on which the replacement instrument is issued; or
 - (iv) where a person questions his failure to be awarded a payment for expenses for heating, the date on which the notification of the Secretary of State’s decision given in response to that question is issued;

“financially qualified panel member” means a panel member who satisfies the requirements of paragraph 4 of Schedule 3;

“the Income Support Regulations” means the Income Support (General) Regulations 1987⁽⁵⁾;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996⁽⁶⁾;

“legally qualified panel member” means a panel member who satisfies the requirements of paragraph 1 of Schedule 3;

“medically qualified panel member” means a panel member who satisfies the requirements of paragraph 2 of Schedule 3;

“misconceived appeal” means an appeal which is—

- (a) frivolous or vexatious; or
- (b) obviously unsustainable and has no prospect of success, other than an out of jurisdiction appeal;

“official error” means an error made by an officer of the Department of Social Security or the Department for Education and Employment acting as such which no person outside either Department caused or to which no person outside either Department materially contributed;

“out of jurisdiction appeal” means an appeal brought against a decision which is specified in Schedule 2 to the Act or a decision prescribed in regulation 27 (decisions against which no appeal lies);

“panel” means the panel constituted under section 6;

⁽⁴⁾ 1993 c. 48.

⁽⁵⁾ S.I. 1987/1967.

⁽⁶⁾ S.I. 1996/207.

“panel member” means a person appointed to the panel;

“panel member with a disability qualification” means a panel member who satisfies the requirements of paragraph 5 of Schedule 3;

“party to the proceedings” means the Secretary of State and any other person—

- (a) who is one of the principal parties for the purposes of sections 13 and 14;
- (b) who has a right of appeal to an appeal tribunal under section 11(2) of the 1997 Act⁽⁷⁾, section 20 of the Child Support Act as extended by paragraph 3 of Schedule 4C to that Act⁽⁸⁾ or section 12(2);

“President” means the President of appeal tribunals appointed under section 5;

“referral” means a referral of an application for a departure direction to an appeal tribunal under section 28D(1)(b) of the Child Support Act⁽⁹⁾.

(4) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered section is to the section of the Act bearing that number;
- (b) to a numbered Part is to the Part of these Regulations bearing that number;
- (c) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (d) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
- (e) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

Service of notices or documents

2. Where, by any provision of the Act or of these Regulations—

- (a) any notice or other document is required to be given or sent to the clerk to the appeal tribunal or to an officer authorised by the Secretary of State, that notice or document shall be treated as having been so given or sent on the day that it is received by the clerk to the appeal tribunal or by an officer authorised by the Secretary of State, as the case may be, and
- (b) any notice (including notification of a decision of the Secretary of State) or other document is required to be given or sent to any person other than the clerk to the appeal tribunal or to an officer authorised by the Secretary of State, as the case may be, that notice or document shall, if sent by post to that person’s last known address, be treated as having been given or sent on the day that it was posted.

⁽⁷⁾ Section 11(2) is amended by paragraph 150(2) of Schedule 7 to the Social Security Act 1998.

⁽⁸⁾ Schedule 4C of the Child Support Act 1991 is inserted by paragraph 54 of Schedule 7 to the Social Security Act 1998.

⁽⁹⁾ Section 28D was inserted by section 4 of the Child Support Act 1995 (c. 34).