

SCHEDULE

APPEALS: PROCEDURAL MATTERS

Notice of Appeal

3.—(1) A notice of appeal made in accordance with the Tribunal Procedure Rules and on a form approved by the Secretary of State or in such other form as the Secretary of State accepts, is to be sent or delivered to an appropriate office of the Secretary of State.

(2) Except where sub-paragraph (3) applies, where a form does not contain the information required under the Tribunal Procedure Rules the form may be returned by the Secretary of State to the sender for completion in accordance with the Tribunal Procedure Rules.

(3) Where it appears that the form, although not completed in accordance with the instructions on it, includes sufficient information to enable the appeal to proceed, the Secretary of State may treat the form as satisfying the requirements of the Tribunal Procedure Rules.

(4) Where a notice of appeal is made in writing otherwise than on the approved form (“the letter”), and it appears that the letter includes sufficient information to enable the appeal to proceed, the Secretary of State may treat the letter as satisfying the requirements of the Tribunal Procedure Rules.

(5) Where the letter does not include sufficient information to enable the appeal to proceed, the Secretary of State 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 duly completes and returns the form, if the form is received by the Secretary of State within—

- (a) 14 days after the date on which the form was returned by the Secretary of State, the time for making the appeal shall be extended by 14 days following the date on which the form was returned;
- (b) such longer period as the Secretary of State may direct, the time for making the appeal shall be extended by a period equal to that longer period directed by the Secretary of State.

(7) Where a person from whom further particulars are requested duly sends the further particulars, if the particulars are received by the Secretary of State within—

- (a) 14 days after the date on which the Secretary of State’s request was made, the time for making the appeal shall be extended by 14 days following the date of the request;
- (b) such longer period as the Secretary of State may direct, the time for making the appeal shall be extended by a period equal to that longer period directed by the Secretary of State.

(8) 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 sub-paragraph (6) or (7)—

- (a) the Secretary of State must forward a copy of the form, or as the case may be, the letter, together with any other relevant documents or evidence to the First-tier Tribunal, and
- (b) the First-tier Tribunal shall determine whether the form or the letter satisfies the requirements of the Tribunal Procedure Rules.

(9) 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 sub-paragraph (6) or (7), and
- (b) no decision has been made under sub-paragraph (8) at the time the form or the further particulars are received by the Secretary of State, that form or further particulars must also be forwarded to the First-tier Tribunal which must take into account any further information or evidence set out in the form or further particulars.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Child Support Maintenance Calculation Regulations 2012 No. 2677

(10) The Secretary of State may discontinue action on an appeal where the notice of appeal has not been forwarded to the First-tier Tribunal and the appellant or an authorised representative of the appellant has given notice that he does not wish the appeal to continue.