



Child Support Act 1991

1991 CHAPTER 48

Reviews and appeals

24 Appeal to Child Support Commissioner

- (1) Any person who is aggrieved by a decision of a child support appeal tribunal, and any child support officer, may appeal to a Child Support Commissioner on a question of law.
- (2) Where, on an appeal under this section, a Child Support Commissioner holds that the decision appealed against was wrong in law he shall set it aside.
- (3) Where a decision is set aside under subsection (2), the Child Support Commissioner may—
 - (a) if he can do so without making fresh or further findings of fact, give the decision which he considers should have been given by the child support appeal tribunal;
 - (b) if he considers it expedient, make such findings and give such decision as he considers appropriate in the light of those findings; or
 - (c) refer the case, with directions for its determination, to a child support officer or, if he considers it appropriate, to a child support appeal tribunal.
- (4) Any reference under subsection (3) to a child support officer shall, subject to any direction of the Child Support Commissioner, be to a child support officer who has taken no part in the decision originally appealed against.
- (5) On a reference under subsection (3) to a child support appeal tribunal, the tribunal shall, subject to any direction of the Child Support Commissioner, consist of persons who were not members of the tribunal which gave the decision which has been appealed against.
- (6) No appeal lies under this section without the leave—
 - (a) of the person who was the chairman of the child support appeal tribunal when the decision appealed against was given or of such other chairman of a child support appeal tribunal as may be determined in accordance with regulations made by the Lord Chancellor; or

Status: This is the original version (as it was originally enacted).

- (b) subject to and in accordance with regulations so made, of a Child Support Commissioner.
- (7) The Lord Chancellor may by regulations make provision as to the manner in which, and the time within which, appeals under this section are to be brought and applications for leave under this section are to be made.
- (8) Where a question which would otherwise fall to be determined by a child support officer first arises in the course of an appeal to a Child Support Commissioner, he may, if he thinks fit, determine it even though it has not been considered by a child support officer.
- (9) Before making any regulations under subsection (6) or (7), the Lord Chancellor shall consult the Lord Advocate.