

**1996 No. 2450**

**FAMILY LAW**

**CHILD SUPPORT**

**SOCIAL SECURITY**

**The Social Security (Adjudication) and Child Support  
Amendment (No. 2) Regulations 1996**

*Made* - - - - 23rd September 1996  
*Laid before Parliament* 27th September 1996  
*Coming into force* - - 21st October 1996

The Secretary of State for Social Security, in exercise of the powers conferred by sections 21(2) and (3), 51 and 52 of the Child Support Act 1991(a) and sections 22(2), 22(4), 33(2), 46(2), 59(1), 189 and 191 of, and paragraphs 2 to 5 of Schedule 3 to, the Social Security Administration Act 1992(b), and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992(c), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Adjudication) and Child Support Amendment (No. 2) Regulations 1996 and shall come into force on 21st October 1996.

(2) In these Regulations:

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1995(d);

“the Appeal Regulations” means the Child Support Appeal Tribunals (Procedure) Regulations 1992(e).

[Regulations 2 to 13 are revoked by S.I. 1999/991 as from 28.11.99.]

[Regulations 14 to 21 amend S.I. 1992/2641 (Child Support Appeals).]

**Saving Provision**

22. In a case where an appeal, application or reference was made before the date on which these Regulations come into force, regulations 3, 7(3), 22, 29(1) and 38(1) of the Adjudication Regulations and regulations 3, 6(3), and 11(1) of the Appeal Regulations shall apply as if these Regulations had not been made.

Signed by authority of the Secretary of State for Social Security.

*Roger Evans*  
Parliamentary Under-Secretary of State,  
Department of Social Security

23rd September 1996

(a) 1991 c. 48. Section 52 was amended by paragraph 15 of Schedule 3 to the Child Support Act 1995 (c. 34).

(b) 1992 c. 5.

(c) 1992 c. 53.

(d) S.I. 1995/1801; the relevant amending instrument is S.I. 1996/182.

(e) S.I. 1992/2641; the relevant amending instruments are S.I. 1995/1045 and 1996/182.

**EXPLANATORY NOTE**

*(This note is not part of the Regulation)*

These Regulations amend the Social Security (Adjudication) Regulations 1995 and the Child Support Appeal Tribunals (Procedure) Regulations 1992 to make certain changes to the procedure of social security appeal tribunals, disability appeal tribunals, medical appeal tribunals and child support appeal tribunals.

The Social Security (Adjudication) Regulations 1995 are amended in respect of social security appeal tribunals, disability appeal tribunals and medical appeal tribunals to—

- (a) insert a new definition of “clerk to the tribunal” (regulation 2);
- (b) specify the circumstances in which the chairman of a tribunal or board or the clerk to the tribunal may give directions as to procedure (regulation 3);
- (c) include new requirements for the information to be provided in connection with an appeal (regulation 4);
- (d) reduce the minimum period for notice of an oral hearing, provide that in certain circumstances a tribunal chairman may direct that an appeal be determined forthwith, and provide that a party to the proceedings may waive the right to be given notice (regulation 5);
- (e) allow the clerk to the tribunal to deal with requests for hearings to be postponed and to postpone hearings of his own motion (regulation 6);
- (f) allow a person who has made an appeal to withdraw it before a hearing without consent in certain circumstances (regulation 7);
- (g) amend the circumstances in which a tribunal chairman may strike out an appeal for want of prosecution, the procedure for striking out, and the circumstances in which an appeal which has been struck out may be reinstated (regulation 8);
- (h) amend the provisions on setting aside tribunal decisions to reflect the new provisions on oral hearings (regulation 9);
- (i) provide that, unless the chairman of a tribunal or board orders an oral hearing, an oral hearing of an appeal or reference shall be held only on the request of a party to the proceedings, and specify how such a request is to be made (regulations 10, 12(2) and 13(2));
- (j) amend the provisions on the form and promulgation of tribunal decisions (regulations 11(2) and (3), 12(3) and (4) and 13(3) and (4)).

The Child Support Appeal Tribunals (Procedure) Regulations 1992 are amended to make broadly equivalent changes in respect of child support appeal tribunals in relation to: time and manner of making an appeal (regulation 14); directions by the chairman or the clerk to the tribunal (regulation 15); striking out (regulation 16); withdrawal (regulation 17); postponement (regulation 18); hearings including procedure for requesting an oral hearing (regulation 19); form and promulgation of decisions (regulation 20); setting aside of decisions (regulation 21).

Regulation 22 makes a saving provision in respect of certain provisions of the Social Security (Adjudication) Regulations 1995 and the Child Support Appeal Tribunals (Procedure) Regulations 1992.

These Regulations do not impose any costs to business.