

2012 No. 1267

SOCIAL SECURITY

Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012

<i>Made</i> - - - -	<i>8th May 2012</i>
<i>Laid before Parliament</i>	<i>14th May 2012</i>
<i>Coming into force</i>	<i>4th June 2012</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 17(3) and (5) and 54 of the Child Support Act 1991(a), sections 10(3) and (6) and 84 of the Social Security Act 1998(b), paragraphs 4(4) and (6) and 23(1) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(c) and section 103(2)(b) of the Welfare Reform Act 2012(d).

In respect of provisions in these Regulations relating to housing benefit and council tax benefit, organisations appearing to the Secretary of State to be representative of the authorities concerned have agreed that consultations need not be undertaken(e).

This Instrument contains only regulations made by virtue of, or consequential upon, section 103 of the Welfare Reform Act 2012 and is made before the end of the period of 6 months beginning with the coming into force of that section(f).

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 and come into force on 4th June 2012.

(2) These Regulations have effect as if they had come into force on 3rd November 2008.

[Regulations 2 to 4 amend legislation outside the scope of these volumes]

[Regulation 5 amends regulation 8 and 9 of S.I. 2001/1002]

Signed by authority of the Secretary of State for Work and Pensions.

8th May 2012

Freud
Parliamentary Under-Secretary of State
Department for Work and Pensions

(a) 1991 c. 48 (“the 1991 Act”). Section 54 is cited for the meaning of “prescribe”.
(b) 1998 c. 14. (“the 1998 Act”). Section 84 is cited for the meaning of “prescribe”.
(c) 2000 c. 19 (“the 2000 Act”). Paragraph 23 is cited for the meaning of “prescribe”.
(d) 2012 c. 5 (“the Welfare Reform Act”).
(e) See section 176(2) of the Social Security Administration Act 1992 (c. 5) (“the 1992 Act”).
(f) See section 173(5) of the 1992 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument is made to correct errors in the Tribunals, Courts and Enforcement (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683).

The functions of the former appeal tribunals, the Child Support Commissioner and the Social Security Commissioner were transferred to the First-tier Tribunal and the Upper Tribunal on 3rd November 2008.

Whilst the legislation ensured that a decision maker could supersede decisions which had been appealed to the First-tier Tribunal or Upper Tribunal, the need to supersede decisions made under the old appeals system was inadvertently overlooked - references to the former appeal bodies were substituted with references to the new appeal bodies, when the legislation should have retained a reference to both.

Section 103 of the Welfare Reform Act 2012 amends provisions in Acts, with retrospective effect, so as to make it clear that the power to supersede earlier decisions includes decisions made under the old appeals regime as well as the present one.

These Regulations, which are made as a consequence of those amendments, insert references to the former appeal bodies in subordinate legislation relating to the cases or circumstances in which supersession decisions can be made and to the date on which those decisions take effect.

These Regulations have effect as though they came into force on 3rd November 2008. Authority for retrospective provision is conferred by section 103(2)(b) of the Welfare Reform Act 2012.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.