
STATUTORY INSTRUMENTS

1999 No. 991

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

^{F1} PART IV

RIGHTS OF APPEAL AND PROCEDURE FOR BRINGING APPEALS

CHAPTER I

GENERAL

GENERAL APPEALS MATTERS NOT INCLUDING CHILD SUPPORT APPEALS

Other persons with a right of appeal

25. For the purposes of [^{F1}section 12(2)][^{F2}, but subject to regulation 3ZA,] the following other persons have a right to appeal to [^{F3}the First-tier Tribunal]—

- [^{F4}(ai) any person who has been appointed by the Secretary of State or the Board under regulation 30(1) of the Claims and Payments Regulations (payments on death) to proceed with the claim of a person who has made a claim for benefit and subsequently died;
- (aii) any person who is appointed by the Secretary of State to claim benefit on behalf of a deceased person and who claims the benefit under regulation 30(5) and (6) of the Claims and Payments Regulations;
- (aiii) any person who is appointed by the Secretary of State to make a claim for reduced earnings allowance or disablement benefit in the name of a person who has died and who claims under regulation 30(6A) and (6B) of the Claims and Payments Regulations;]
- (a) any person appointed by the Secretary of State [^{F5}or the Board] under regulation 33(1) of the Claims and Payments Regulations (persons unable to act) to act on behalf of another;
- (b) any person claiming attendance allowance or disability living allowance on behalf of another under section 66(2)(b) of the Contributions and Benefits Act or, as the case may be, section 76(3) of that Act (claims on behalf of terminally ill persons);
- (c) in relation to a pension scheme, any person who, for the purposes of Part X of the Pension Schemes Act 1993 ^{M1}, is an employer, member, trustee or manager by virtue of section 146(8) of that Act.

F1 Words in reg. 25 substituted (21.12.2004) by [Social Security, Child Support and Tax Credits \(Decisions and Appeals\) Amendment Regulations 2004 \(S.I. 2004/3368\)](#), regs. 1, **2(3)**

F2 Words in reg. 25 inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **4(7)**

- F3** Words in reg. 25 substituted (3.11.2008) by *Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683)*, art. 1, **Sch. 1 para. 115**
- F4** Reg. 25(ai)(aiii) inserted (20.5.2002) by *Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379)*, regs. 1(1), **7**
- F5** Words in reg. 25(a) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by *The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570)*, regs. 1, **18**

Marginal Citations

- M1** 1993 c.48 .

Decisions against which an appeal lies

26. [^{F6}Subject to regulation 3ZA,] an appeal shall lie to [^{F7}the First-tier Tribunal] against a decision made by the Secretary of State [^{F8}or an officer of the Board]—

- (a) as to whether a person is entitled to a relevant benefit for which no claim is required by virtue of regulation 3 of the Claims and Payments Regulations ^{M2} ; or
- (b) as to whether a payment be made out of the social fund to a person to meet expenses for heating by virtue of regulations made under section 138(2) of the Contributions and Benefits Act (payments out of the social fund); [^{F9}or
- (c) under Schedule 6 to the Contributions and Benefits Act (assessment of extent of disablement) in relation to sections 103 (disablement benefit) and 108 (prescribed diseases) of that Act for the purposes of industrial injuries benefit under Part V of that Act][^{F10};or
- (d) under section 59 of, and Schedule 7 to, the Welfare Reform and Pensions Act 1999 (couples to make joint-claim for jobseeker's allowance) where one member of the couple is working and the Secretary of State has decided that both members of the couple are not engaged in remunerative work][^{F11}; or
- (e) under, or by virtue of regulations made under, section 23A (contributions credits for relevant parents and carers) of the Contributions and Benefits Act.]

- F6** Words in reg. 26 inserted (28.10.2013) by *The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 (S.I. 2013/2380)*, regs. 1(2), **4(8)**
- F7** Words in reg. 26 substituted (3.11.2008) by *Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683)*, art. 1, **Sch. 1 para. 116**
- F8** Words in reg. 26 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by *The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570)*, regs. 1, **19**
- F9** Reg. 26(c) and word inserted (19.6.2000) by *The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596)*, regs. 1(1), **22**
- F10** Reg. 26(d) and word inserted (19.3.2001) by *The Social Security Amendment (Joint Claims) Regulations 2001 (S.I. 2001/518)*, regs. 1(1), **4(b)**
- F11** Reg. 26(e) and word inserted (6.4.2010) by *The Pensions Act 2007 (Supplementary Provision) Order 2009 (S.I. 2009/2715)*, art. 1, 2

Marginal Citations

- M2** The relevant amending instruments are *S.I. 1989/136*, *S.I. 1994/2943* and *S.I. 1996/1460*.

Decisions against which no appeal lies

27.—(1) No appeal lies to ^{F12}the First-tier Tribunal] against a decision set out in Schedule 2.

(2) In paragraph (1) and Schedule 2, “decision” includes determinations embodied in or necessary to a decision.

^{F13}(3)

F12 Words in reg. 27(1) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 117(a)**
F13 Reg. 27(3) omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 117(b)**

Notice of decision against which appeal lies

28.—(1) A person with a right of appeal under the Act or these Regulations against any decision of the Secretary of State ^{F14}or the Board or an officer of the Board] shall—

- (a) be given written notice of the decision against which the appeal lies;
- (b) be informed that, in a case where that written notice does not include a statement of the reasons for that decision, he may, within one month of the date of notification of that decision, request that the Secretary of State ^{F14}or the Board or an officer of the Board] provide him with a written statement of the reasons for that decision; and
- (c) be given written notice of his right of appeal against that decision.

(2) Where a written statement of the reasons for the decision is not included in the written notice of the decision and is requested under paragraph (1)(b), the Secretary of State ^{F14}or the Board or an officer of the Board] shall provide that statement within 14 days of receipt of the request ^{F15}or as soon as practicable afterwards.]

F14 Words in reg. 28 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#) , regs. 1 , **20**
F15 Words in reg. 28(2) added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(6)**

^{F16} Further particulars required relating to certificate of recoverable benefits ^{F17} or, as the case may be, recoverable lump sum payments] appeals ...

29.—^{F18}(1)

^{F18}(2)

^{F19}(3) ^{F20}Where it appears to the Secretary of State that a notice of appeal in respect of an appeal under the 1997 Act relating to a certificate of recoverable benefits or, as the case may be, recoverable lump sum payments does not contain the particulars required, the Secretary of State may direct the appellant to provide such particulars.]]

(4) ^{F20} Where paragraph (3) applies, the time specified for making the appeal ^{F21} ... may be extended by such period, not exceeding 14 days from the date of the Secretary of State’s direction under paragraph (3), as the Secretary of State may determine.]

(5) ^{F20} Where further particulars ^{F22} ... are required under paragraph (3) they shall be sent to or delivered to the Compensation Recovery Unit of the ^{F23} Department for Work and Pensions] at

[^{F24} Durham House, Washington, Tyne and Wear, NE38 7SF] within such period as the Secretary of State may direct.]

[^{F25}(6) The Secretary of State may treat any—

- (a) purported appeal (where, as the result of regulation 9ZB(2) (consideration of review before appeal), there is no right of appeal);
- (b) appeal relating to the certificate of recoverable benefits; or
- (c) appeal relating to the certificate of recoverable lump sum payments,

as an application for review under section 10 of the 1997 Act.]

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| <p>F16 Words in reg. 29 heading omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, Sch. 1 para. 118(a)</p> <p>F17 Words in reg. 29 heading inserted (1.10.2008) by Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (S.I. 2008/1596), reg. 1(1), Sch. 2 para. 1(c)(i) (with reg. 6)</p> <p>F18 Reg. 29(1)(2) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, Sch. 1 para. 118(b)</p> <p>F19 Reg. 29(3) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, Sch. 1 para. 118(c)</p> <p>F20 Reg. 29(3)-(5) omitted (28.10.2013) by virtue of The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 (S.I. 2013/2380), regs. 1(2), 4(10)(b) (with reg. 8)</p> <p>F21 Words in reg. 29(4) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, Sch. 1 para. 118(d)</p> <p>F22 Words in reg. 29(5) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, Sch. 1 para. 118(e)</p> <p>F23 Words in reg. 29(5) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), 8</p> <p>F24 Words in reg. 29(5) substituted (4.12.2000) by Social Security (Recovery of Benefits) (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/3030), regs. 1, 3</p> <p>F25 Reg. 29(6) substituted (28.10.2013) by The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 (S.I. 2013/2380), regs. 1(2), 4(9)</p> |
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GENERAL APPEALS MATTERS INCLUDING CHILD SUPPORT APPEALS

Appeal against a decision which has been [^{F26}[^{F27} replaced or]] revised

[^{F28}An appeal against a decision of the Secretary of State or the Board or an officer of the Board shall not lapse where—

- (a) the decision is revised under section 9 before the appeal is determined; and
- (b) the decision as revised is not more advantageous to the appellant than the decision before it was revised.]

(2) Decisions which are more advantageous for the purposes of this regulation include decisions where—

- (a) any relevant benefit paid to the appellant is greater or is awarded for a longer period in consequence of the decision made under section 9;
- (b) it would have resulted in the amount of relevant benefit in payment being greater but for the operation of any provision of the Administration Act or the Contributions and Benefits

Act restricting or suspending the payment of, or disqualifying a claimant from receiving, some or all of the benefit;

(c) as a result of the decision, a denial or disqualification for the receiving of any relevant benefit, is lifted, wholly or in part;

(d) it reverses a decision to pay benefit to a third party;

^{F34}(dd) it reverses a decision under section 29(2) that an accident is not an industrial accident;

(e) in consequence of the revised decision, benefit paid is not recoverable under section 71, 71A or 74 of the Administration Act ^{M3} or regulations made under any of those sections, or the amount so recoverable is reduced; or

(f) a financial gain accrued or will accrue to the appellant in consequence of the decision.

^{F35}Where a decision as revised under section 9 is not more advantageous to the appellant than the decision before it was revised, the appeal shall be treated as though it had been brought against the decision as revised.]

(4) The appellant shall have a period of one month from the date of notification of the decision as ^{F39}^{F40}[replaced or]] revised to make further representations as to the appeal.

(5) After the expiration of the period specified in paragraph (4), or within that period if the appellant consents in writing, the appeal to the ^{F41}First-tier Tribunal] shall proceed except where, in the light of the further representations from the appellant, the Secretary of State ^{F42}... ^{F43}or the Board or an officer of the Board] further revises his ^{F44}, or revise their,] decision and that decision is more advantageous to the appellant than the decision before it was ^{F39}^{F45}[replaced or]] revised.

- F26** Words in reg. 30 omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(5)**
- F27** Words in reg. 30 inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **11(a)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F28** Reg. 30(1) substituted (10.12.2012 coming into force in accordance with reg. 1(4)) by [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(6)(a)**
- F29** Words in reg. 30(1) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(12)**
- F30** Words in reg. 30(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **21(1)(a)**
- F31** Words in reg. 30(1) substituted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **11(b)(i)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F32** Words in reg. 30(1) inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **11(b)(ii)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F33** Words in reg. 30(1) inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **11(b)(iii)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F34** Reg. 30(2)(dd) added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(7)**
- F35** Reg. 30(3) substituted (10.12.2012 coming into force in accordance with reg. 1(4)) by [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(6)(b)**

- F36** Words in reg. 30(3) substituted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **11(c)(i)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F37** Words in reg. 30(3) inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **11(c)(ii)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F38** Words in reg. 30(3) inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **11(c)(iii)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F39** Words in reg. 30(4)(5) omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(6)(c)**
- F40** Words in reg. 30(4) inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **11(d)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F41** Words in reg. 30(5) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 119**
- F42** Words in reg. 30(5) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(12)**
- F43** Words in reg. 30(5) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **21(1)(a)**
- F44** Words in reg. 30(5) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Decisions and Appeals\) \(Amendment\) Regulations 1999 \(S.I. 1999/2570\)](#), regs. 1, **21(1)(b)**
- F45** Words in reg. 30(5) inserted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#), reg. 1(1)(2), **11(e)** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)

Marginal Citations

- M3** Section 71A was inserted by section 18 of the [Jobseekers Act 1995 \(c.18\)](#).

[^{F46}Appeals to [^{F47}the First-tier Tribunal] in child support cases

30A. [^{F48}Section 20 of the Child Support Act shall apply to any decision [^{F49}of the Secretary of State that an adjustment shall cease or with respect to the adjustment of amounts payable under a maintenance calculation for the purpose of taking account of overpayments of child support maintenance and voluntary payments, or a decision under section 17 of that Act, whether as originally made or as revised under section 16 of that Act. [^{F49}of the Commission with respect to the adjustment of amounts payable under a maintenance calculation for the purpose of taking account of overpayments of child support maintenance or voluntary payments.]]]]

- F46** Reg. 30A inserted (3.3.2003 for specified purposes and) by [The Child Support \(Decisions and Appeals\) \(Amendment\) Regulations 2000 \(S.I. 2000/3185\)](#) , reg. 1(1)(2)**12** (with reg. 14(3)) (see S.I. 2003/192, art. 3, Sch.)
- F47** Words in reg. 30A heading substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 120**
- F48** Reg. 30A revoked (25.1.2010) by [Child Support \(Management of Payments and Arrears\) Regulations 2009 \(S.I. 2009/3151\)](#) , regs. 1 , 14 , **Sch.** (with reg. 15)
- F49** Words in reg. 30A substituted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#) , regs. 1 , **4(15)** (with reg. 7)

Time within which an appeal is to be brought

^{F50} 31

F50 Reg. 31 omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#) , art. 1 , **Sch. 1 para. 121**

Late appeals

32 .—^{F51}^{F52}(1) Where a dispute arises as to whether an appeal was brought within the time specified under Tribunal Procedure Rules the dispute shall be referred to, and determined by, the First-tier Tribunal.

(2) The Secretary of State ^{F53}... or the Board, as the case may be, may treat a late appeal as made in time in accordance with Tribunal Procedure Rules if the conditions in paragraphs (4) to (8) are satisfied.]

^{F54}(4) An appeal may be treated as made in time if the Secretary of State ^{F55}... or the Board, as the case may be, is satisfied that it is in the interests of justice.]

(5) For the purposes of paragraph (4) it is not in the interests of justice to ^{F56}treat the appeal as made in time unless^{F57}, the Secretary of State or the Board, as the case may be,] is satisfied that—

- (a) the special circumstances specified in paragraph (6) are relevant ^{F58} ...; or
- (b) some other special circumstances exist which are wholly exceptional and relevant ^{F58} ...,

and as a result of those special circumstances, it was not practicable for the ^{F59}appeal to be made] within the time limit specified in ^{F60}Tribunal Procedure Rules].

(6) For the purposes of paragraph (5)(a), the special circumstances are that—

- (a) the ^{F61}appellant] or a ^{F62}partner] or dependant of the ^{F61}appellant] has died or suffered serious illness;
- (b) the ^{F61}appellant] is not resident in the United Kingdom; or
- (c) normal postal services were disrupted.

(7) In determining whether it is in the interests of justice to ^{F63}treat the appeal as made in time], ^{F64}regard shall be had] to the principle that the greater the amount of time that has elapsed between the expiration of the time ^{F65}limit under Tribunal Procedure Rules and the submission of the notice of appeal, the more compelling should be the special circumstances.]

(8) In determining whether it is in the interests of justice to ^{F66}treat the appeal as made in time], no account shall be taken of the following—

- (a) that the applicant or any person acting for him was unaware of or misunderstood the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by ^{F67}Tribunal Procedure Rules]); or
- (b) that ^{F68}the Upper Tribunal] or a court has taken a different view of the law from that previously understood and applied.

^{F69}(9)

^{F69}(10)

^{F69}(11)]

- F51** Reg. 32 omitted (28.10.2013) by virtue of The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 (S.I. 2013/2380), regs. 1(2), **4(10)(c)** (with reg. 8)
- F52** Reg. 32(1)(2) substituted for reg. 32(1)-(3) (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(a)**
- F53** Words in reg. 32(2) omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 113(13)**
- F54** Reg. 32(4) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(b)**
- F55** Words in reg. 32(4) omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 113(13)**
- F56** Words in reg. 32(5) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(c)(i)**
- F57** Words in reg. 32(5) inserted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **10(c)(i)**
- F58** Words in reg. 32(5)(a)(b) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(c)(ii)**
- F59** Words in reg. 32(5) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **10(c)(ii)**
- F60** Words in reg. 32(5) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(c)(iii)**
- F61** Words in reg. 32(6) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(d)**
- F62** Word in reg. 32(6)(a) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **10(d)**
- F63** Words in reg. 32(7) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(e)(i)**
- F64** Words in reg. 32(7) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **10(e)**
- F65** Words in reg. 32(7) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(e)(ii)**
- F66** Words in reg. 32(8) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(f)(i)**
- F67** Words in reg. 32(8)(a) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(f)(ii)**
- F68** Words in reg. 32(8)(b) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(f)(iii)**
- F69** Reg. 32(9)-(11) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 122(g)**

Modifications etc. (not altering text)

- C1** Reg. 32 applied (with modifications) (21.7.2002) by Child Support Appeals (Jurisdiction of Courts) Order 2002 (S.I. 2002/1915), art. 1(2)**5** (with art. 1(3))

- C2** Reg. 32 applied with modifications (18.2.2003 coming into force in accordance with art. 1(2)) by [Child Support Appeals \(Jurisdiction of Courts\) \(Scotland\) Order 2003 \(S.S.I. 2003/96\)](#), arts. 1(2), **5**
- C3** Reg. 32 applied (with modifications) by SI 2002/1915 art. 5 (as substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 181**)
- C4** Reg. 32 applied (with modifications) (with application in accordance with art. 21(1) of the amending S.I.) by [The Welfare Reform Act 2012 \(Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions \(Amendment\)\) Order 2013 \(S.I. 2013/983\)](#), **art. 21(2)(3)(a)**

[^{F70}Notice of Appeal]

33.—^{F71}[^{F72}(1)

(2) [^{F73} A notice of appeal made in accordance with Tribunal Procedure Rules and on a form approved by the Secretary of State ^{F74} ... or the Board, as the case may be, or in such other format as the Secretary of State ^{F74} ... or the Board, as the case may be, accepts, is to be sent or delivered to the following appropriate office] —

- (a) in the case of an appeal under the 1997 Act against a certificate of recoverable benefits [^{F75}or, as the case maybe, recoverable lump sum payments], the Compensation Recovery Unit of the [^{F76}Department for Work and Pensions] at [^{F77}Durham House, Washington, Tyne and Wear, NE38 7SF];
- (b) in the case of an appeal against a decision relating to a jobseeker’s allowance, an office of the [^{F78}Department for Work and Pensions the address of which was indicated on the notification of the decision which is subject to appeal];
- (c) in the case of a contributions decision which falls within Part II of Schedule 3 to the Act, any National Insurance Contributions office [^{F79}of the Board, or any office of the [^{F80}Department for Work and Pensions]];
- [^{F81}(cc) in the case of a decision made under the Pension Schemes Act 1993 by virtue of section 170(2) of that Act, any National Insurance Contributions office of the Board;]
- (d) [^{F82} in the case of an appeal under section 20 of the Child Support Act ^{F83} ..., an office of the Child Support Agency; and]
- [^{F84}(dd) in the case of an appeal against a decision relating to working families' tax credit or disabled person’s tax credit, a Tax Credits Office of the Board, and.]
- [^{F85}(ddd) in a case where the decision appealed against was a decision arising from a claim to a designated office, an office of a designated authority;]
- (e) in any other case, an office of the [^{F86}Department for Work and Pensions the address of which was indicated on the notification of the decision which is subject to appeal].

[^{F87}(3) Except where paragraph (4) applies, where a form does not contain the information required under Tribunal Procedure Rules the form may be returned by the Secretary of State ^{F74} ... or the Board to the sender for completion in accordance with the Tribunal Procedure Rules.]

(4) Where the Secretary of State is satisfied [^{F88}or the Board are satisfied] that the form, although not completed in accordance with the instructions on it, includes sufficient information to enable the appeal ^{F89} ... to proceed, he[^{F90}or they] may treat the form as satisfying the requirements of [^{F91}Tribunal Procedure Rules] .

(5) Where [^{F92} a notice of appeal] is made in writing otherwise than on the approved form (“the letter”), and the letter includes sufficient information to enable the appeal ^{F93} ... to proceed, the

Secretary of State ^{F94}or the Board] may treat the letter as satisfying the requirements of ^{F95}Tribunal Procedure Rules] .

(6) Where the letter does not include sufficient information to enable the appeal ^{F96} ... to proceed, the Secretary of State ^{F94}or the Board] may request further information in writing (“further particulars”) from the person who wrote the letter.

^{F97}(7) Where a person to whom a form is returned, or from whom further particulars are requested, duly completes and returns the form or sends the further particulars, if the form or particulars, as the case may be, are received by the Secretary of State or the Board within—

- (a) 14 days of the date on which the form was returned to him by the Secretary of State or the Board, the time for making the appeal shall be extended by 14 days from the date on which the form was returned;
- (b) 14 days of the date on which the Secretary of State’s or the Board’s request was made, the time for making the appeal shall be extended by 14 days from the date of the request; or
- (c) such longer period as the Secretary of State or the Board 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 or the Board.]

(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 paragraph (7)—

- (a) the Secretary of State ^{F94}or the Board] shall forward a copy of the form, or as the case may be, the letter, together with any other relevant documents or evidence to ^{F98}the First-tier Tribunal], and
- (b) the ^{F99}First-tier Tribunal] shall determine whether the form or the letter satisfies the requirement of ^{F100}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 paragraph (7), and
- (b) no decision has been made under paragraph (8) at the time the form or the further particulars are received by the Secretary of State ^{F94}or the Board],

that form or further particulars shall also be forwarded to the ^{F101}First-tier Tribunal which] shall take into account any further information or evidence set out in the form or further particulars.

^{F102}^{F103}(10) The Secretary of State or the Board may discontinue action on an appeal where the ^{F104}notice of] appeal has not been forwarded to the ^{F105}First-tier Tribunal] and the appellant or an authorised representative of the appellant has given written notice that he does not wish the appeal to continue.]]]

F70 Reg. 33 heading substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\), art. 1, Sch. 1 para. 123\(2\)](#)

F71 Reg. 33(1) omitted (3.11.2008) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\), art. 1, Sch. 1 para. 123\(3\)](#)

F72 Reg. 33 omitted (28.10.2013) by virtue of [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\), regs. 1\(2\), 4\(10\)\(d\) \(with reg. 8\)](#)

F73 Words in reg. 33(2) substituted (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\), art. 1, Sch. 1 para. 123\(4\)](#)

- F74** Words in reg. 33(2)(3) omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 113(14)**
- F75** Words in reg. 33(2)(a) inserted (1.10.2008) by Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (S.I. 2008/1596), reg. 1(1), **Sch. 2 para. 1(e)** (with reg. 6)
- F76** Words in reg. 33(2)(a) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **11(a)(i)**
- F77** Words in reg. 33(2)(a) substituted (4.12.2000) by Social Security (Recovery of Benefits) (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/3030), regs. 1, **4**
- F78** Words in reg. 33(2)(b) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **11(a)(ii)**
- F79** Words in reg. 33(2)(c) inserted (5.7.1999) by The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (Commencement No. 2 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1662), art. 1, **3(4)**
- F80** Words in reg. 33(2)(c) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **11(a)(i)**
- F81** Reg. 33(2)(cc) inserted (5.7.1999) by The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (Commencement No. 2 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1662), art. 1, **3(4)**
- F82** Reg. 33(2)(d) omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785), regs. 1(4), **6(7)**
- F83** Word in reg. 33(2)(d) omitted (3.3.2003 for specified purposes and in accordance with reg. 1(1), (2) of the amending S.I.) by virtue of The Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001 (S.I. 2001/158), regs. 1(3), **4(4)**; S.I. 2003/192, art. 3(1), Sch.
- F84** Reg. 33(2)(dd) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **23(3)(b)**
- F85** Reg. 33(2)(ddd) inserted (3.4.2000) by The Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897), reg. 1, **Sch. 6 para. 6** (with reg. 2(5))
- F86** Words in reg. 33(2)(e) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **11(a)(iii)**
- F87** Reg. 33(3) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(5)**
- F88** Words in reg. 33(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **23(5)(a)**
- F89** Words in reg. 33(4) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(6)(a)**
- F90** Words in reg. 33(4) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **23(5)(b)**
- F91** Words in reg. 33(4) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(6)(b)**
- F92** Words in reg. 33(5) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(7)(a)**
- F93** Words in reg. 33(5) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(7)(b)**
- F94** Words in reg. 33(5)-(9) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **23(4)**

- F95** Words in reg. 33(5) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(7)(c)**
- F96** Words in reg. 33(6) omitted (3.11.2008) by virtue of Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(8)**
- F97** Reg. 33(7) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **11(b)**
- F98** Words in reg. 33(8)(a) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(9)(a)**
- F99** Words in reg. 33(8)(b) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(9)(b)(i)**
- F100** Words in reg. 33(8)(b) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(9)(b)(ii)**
- F101** Words in reg. 33(9) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(10)**
- F102** Reg. 33(10) substituted (20.5.2002) by Social Security and Child Support (Decisions and Appeals) (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1379), regs. 1(1), **11(c)**
- F103** Reg. 33(10) added (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **23**
- F104** Words in reg. 33(10) inserted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(11)(a)**
- F105** Words in reg. 33(10) substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 123(11)(b)**

Modifications etc. (not altering text)

- C5** Reg. 33 applied (with modifications) (with application in accordance with art. 21(1) of the amending S.I.) by The Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013 (S.I. 2013/983), **art. 21(2)(3)(b)**

Death of a party to an appeal

34 .—^{F106}(1) In any proceedings, on the death of a party to those proceedings (other than the Secretary of State [^{F107}or the Board]), the Secretary of State [^{F107}or the Board] may appoint such person as he thinks [^{F108}or they think] fit to proceed with the appeal in the place of such deceased party.

(2) A grant of probate, confirmation or letters of administration to the estate of the deceased party, whenever taken out, shall have no effect on an appointment made under paragraph (1).

(3) Where a person appointed under paragraph (1) has, prior to the date of such appointment, taken any action in relation to the appeal on behalf of the deceased party, the effective date of appointment by the Secretary of State [^{F109}or the Board] shall be the day immediately prior to the first day on which such action was taken.]

- F106** Reg. 34 omitted (28.10.2013) by virtue of The Social Security, Child Support, Vaccine Damage and Other Payments (Decisions and Appeals) (Amendment) Regulations 2013 (S.I. 2013/2380), regs. 1(2), **4(10)(e)** (with reg. 8)

- F107** Words in reg. 34(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **24(a)**
- F108** Words in reg. 34(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **24(b)**
- F109** Words in reg. 34(3) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Decisions and Appeals) (Amendment) Regulations 1999 (S.I. 1999/2570), regs. 1, **24(a)**

Modifications etc. (not altering text)

- C6** Reg. 34 applied (with modifications) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 (S.S.I. 2006/593), regs. 1(1), **8** (with reg. 8(4))
- C7** Reg. 34 applied (mods) (29.1.2007) by Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 (S.I. 2006/3398), regs. 1(1), **8**
- C8** Reg. 34 applied (with modifications) by SI 2006/3398 reg. 8 (as substituted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 326**)
- C9** Reg. 34 applied (with modifications) (25.1.2010) by Child Support (Management of Payments and Arrears) Regulations 2009 (S.I. 2009/3151), regs. 1, **12(2)** (with regs. 10, 15)
- C10** Reg. 34 applied (with modifications) (with application in accordance with art. 21(1) of the amending S.I.) by The Welfare Reform Act 2012 (Commencement No. 9 and Transitional and Transitory Provisions and Commencement No. 8 and Savings and Transitional Provisions (Amendment)) Order 2013 (S.I. 2013/983), **art. 21(2)(3)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, CHAPTER I.