
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.