1993 No. 50

FAMILY LAW

CHILD SUPPORT

The Child Support Appeal Tribunals (Procedure) Regulations (Northern Ireland) 1993

Made . . . . . *9th February 1993*

Coming into operation . . . *5th April 1993*

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 23(2) and (3) and 47(1) of the Child Support (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

(**a**) S.I. 1991/2628 (N.I. 23)

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Support Appeal Tribunals (Procedure) Regulations (Northern Ireland) 1993 and shall come into operation on 5th April 1993.

(2) In these regulations—

"the Order" means the Child Support (Northern Ireland) Order 1991;

"appropriate office" means either the Independent Tribunal Service, Child Support Appeal Tribunals, 2nd Floor Cleaver House, 3 Donegal Square North, Belfast BT1 3GA or the Independent Tribunal Service, Child Support Appeal Tribunals, 12-14 Dublin Road, Omagh, Co. Tyrone, BT78 1BR;

"chairman", subject to paragraph (3), means a person nominated under paragraph 3 of Schedule 3 to the Order and includes the President and any full-time chairman;

"clerk to the tribunal" means a person appointed under paragraph 6 of Schedule 3 to the Order;

"Commissioner" means the Chief or any other Child Support Commissioner appointed under section 23 of the Child Support Act 1991(**a**);

"full-time chairman" means a full-time chairman of a child support appeal tribunal appointed under paragraph 4 of Schedule 3 to the Order;

"party to the proceedings" means—

(*a*) the person with care;

(*b*) the absent parent;

(*c*) the child support officer;

(*d*) any other person, who on an application made by him, appears to the chairman of the tribunal to be interested in the proceedings;

"President" has the meaning assigned to it in paragraph 1(1) of Schedule 3 to the Order;

"proceedings" means proceedings on an appeal or application to which these regulations apply; and

"tribunal" means a child support appeal tribunal constituted in accordance with Article 23 of the Order.

(3) Unless otherwise provided, where by these regulations anything is required to be done by, or any power is conferred on, a chairman, then—

(*a*) if that thing is to be done or the power is to be exercised at the hearing of an appeal or application, it shall be done or exercised by the chairman of the tribunal hearing the appeal or application; and

(*b*) otherwise, shall be done or exercised by a person who is eligible to be nominated to act as a chairman of a child support appeal tribunal under paragraph 3(2) of Schedule 3 to the Order.

(a) 1991 c. 48

Service of notices or documents

2.—(1) Where by any provision of the Order or of these regulations any notice or other document is required to be given or sent to the clerk to the tribunal that notice or document shall be treated as having been so given or sent on the day that it is received by the clerk to the tribunal.

(2) Where by any provision of the Order or of these regulations any notice or other document is required to be given or sent to any person other than the clerk to the tribunal that notice or document shall, if sent by post to that person's last known address, be treated as having been given or sent on the day that it was posted.

Making an appeal or application and time limits

3.—(1) An appeal to a tribunal under Article 22(1) of the Order or an application to a tribunal to set aside its decision under regulation 15 shall be by notice in writing signed by the person making it or by his representative where it appears to a chairman that he was unable to sign personally, or by a barrister or solicitor on his behalf.

(2) The notice shall be made or given by sending or delivering it to the clerk to the tribunal at the appropriate office.

(3) An appeal under Article 22(1) of the Order shall be brought within the period of 28 days beginning with the date on which notification of the decision in question was given or sent to the appellant.

(4) An application under regulation 15 shall be made within the period of 3 months beginning with the date when a copy of the record of the decision was given or sent to the applicant.

(5) In paragraphs (6) and (7) "the specified time" means the time specified in paragraph (3) or, as the case may be, paragraph (4).

(6) When an appeal or application is made after the specified time has expired, that time may for special reasons be extended by the chairman to the date of the making of the appeal or application.

(7) Any appeal or application made after the specified time has expired which does not include an application for an extension of time shall be deemed to include such an application, and if it appears to a chairman that an application for an extension of time does not state reasons for the appeal or application being made after the specified time the chairman may before determining it give the person making the application for an extension of time a reasonable opportunity to provide reasons.

(8) An application for an extension of time which has been refused may not be renewed, but any chairman may set aside a refusal if it appears to him just to do so on any of the grounds set out in regulation 15(1).

(9) In the case of an appeal the notice shall contain sufficient particulars of the decision under appeal to enable that decision to be identified.

(10) Any notice of appeal or application other than an application for an extension of time shall state the grounds on which it is made.

(11) If it appears to a chairman that the notice of appeal does not enable the decision under appeal to be identified or that the notice of appeal or

application does not state the grounds on which it is made the chairman may direct the person making it to provide such particulars as the chairman may reasonably require.

Lack of jurisdiction

4. When a chairman is satisfied that the tribunal does not have jurisdiction to entertain a purported appeal he may make a declaration to that effect and such declaration shall dispose of the purported appeal.

Directions

5. At any stage of the proceedings a chairman may either of his own motion or on a written application made to the clerk to the tribunal by any party to the proceedings give such directions as he may consider necessary or desirable for the just, effective and efficient conduct of the proceedings and may direct any party to provide such further particulars or to produce such documents as may reasonably be required.

Striking out of proceedings

6.—(1) Subject to paragraph (2), a chairman may, either of his own motion or on the application of any party to the proceedings, order that the appeal or application be struck out because of the failure of the appellant or applicant to comply with a direction under regulation 3(11) or 5 or to reply to an enquiry from the clerk to the tribunal about his availability to attend a hearing.

(2) Before making an order under paragraph (1) the chairman shall send notice to the person against whom it is proposed that any such order should be made and any other party to the proceedings giving each of them a reasonable opportunity to show cause why such an order should not be made.

(3) The chairman may, on application by any party to the proceedings made not later than one year beginning with the date of the order made under paragraph (1), give leave to reinstate any appeal or application which has been struck out in accordance with that order.

Withdrawal of appeals and applications

7.—(1) Any appeal to a tribunal may be withdrawn by the person making the appeal—

(*a*) at a hearing with the leave of the chairman; or

(*b*) at any other time, by giving written notice of intention to withdraw to the clerk to the tribunal and either—

(i) with the consent in writing of every other party to the proceedings, or

(ii) with the leave of the chairman after every other party to the proceedings has had a reasonable opportunity to make representations.

(2) A person who has made an application to a tribunal to set aside their decision under regulation 15 may withdraw it any time before the application is determined by giving written notice of withdrawal to the clerk to the tribunal.