# Guidance notes on completing form N161

## Appellant's notice for appeals relating to deduction orders.

Please note form N161 is to be used for appeals concerning decisions about deduction orders made by the Child Support Agency as an operating arm of the Child Maintenance and Enforcement Commission.

If you require further advice or help with completing this form;

- Court staff can help you and tell you about procedure, they cannot give legal advice for example, whether you should appeal or whether your appeal will be successful.
- You can contact the Citizens Advice Bureau for legal advice about bringing your appeal.
- If you are legally represented, your solicitor should complete this form on your behalf.
- You can contact the Child Support Agency. You can find their contact details on the notifications they have sent to you.



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N161C_0911.indd 1 10/08/2011 08:41:56

# Important -

## Time limits for issuing (filing) your appeal

You must file your appellant's notice:-

- In the case of an appeal against the making of a regular deduction order or lump sum deduction order
  - within 21 days of the date of receipt of the order, if the you are the person against who the order was made ('the liable person'); or
  - within 21 days of service of the order, if you are a deposit-taker (eg. a bank or building society).
- In the case of an appeal against any decision following an application for review of a regular deduction order within 21 days of the date of receipt of notification of the decision.
- In the case of an appeal against the Commission's refusal to give consent within 21 days of the date of receipt of notification of the decision.

Under rules of court, a liable person is treated as having received an order or notification two days after it was posted by the Child Support Agency.

For a deposit-taker, the date of receipt or service is dependant on how the order or decision was sent.

If you are not sure of the date of receipt please contact the Child Support Agency.



N161C_0911.indd 2 10/08/2011 08:41:57

## General notes on completing the notice

Set out below are notes to help you fill in the form. You should read the notes to each section carefully before you begin to complete that particular section.

Use a separate sheet if you need more space for your answers, marking clearly which section the information refers to. Write your unique deduction order reference number and your national insurance number on it and attach it securely to the notice.

If you do not have all the documents or information you need for your appeal, you must **not** allow this to delay sending or taking the form to the appeal court within the correct time. Complete the form as fully as possible and provide what documents you have. The notes to Section 11 will explain more about what you have to do in these circumstances.

## Section 1: Details of the order or decision you are appealing against

Your claim or case number is your unique deduction order reference number which you can find on the deduction order or decision notification.

You are required to provide the full name of all parties and to indicate whether they were the claimant, applicant or petitioner, defendant or respondents by ticking the appropriate box.

Where the form asks you to insert the names of claimant(s), applicant(s) or petitioner(s) you should indicate that you are an ‘applicant’ and insert your name.

Where the form asks you to insert the name of the ‘defendant (s)’ or ‘respondent(s) you should tick ‘respondents’ and insert ‘the Child Maintenance and Enforcement Commission’.



N161C_0911.indd 3 10/08/2011 08:41:57

There will also be another respondent to your appeal. The other respondent will be either your bank or building society (if you are the parent liable person) or the non-resident parent liable person (where you are thea bank or building society). You must also insert their name.

You must give your (the appellant's) full name, and the address to which you would like all documents relating to the appeal to be sent. Include contact information e.g. telephone and any other contact information.

You will also need to include the above details for the Child Maintenance and Enforcement Commission to enable the court to send correspondence and other details to them. The contact details for the Child Maintenance and Enforcement Commission can be found on the notifications you have been sent.

You must also include these details for your additional respondent.

## Section 2: Details of the appeal

**Most of the information you will need to complete this section will be found on the order or decision you are appealing against.**

In this section you must tick 'Other' and specify 'The Child Maintenance and Enforcement Commission'.

Do not complete the boxes marked

'The name of the Judge whose decision you wish to appeal' and 'Status of Judge'.

These do not apply to your appeal.

Date of the decision.



N161C_0911.indd 4 10/08/2011 08:41:57

In the case of an appeal against the making of a regular deduction order or final lump sum deduction order the date of decision will be the date of service of the order.

In the case of an appeal against any decision on the review of an order or an appeal against the Child Support Agency's refusal to give consent the date of decision will be the date of receipt of notification of the decision.

In the case of an appeal against any decision on the review of a regular deduction order or an appeal against the Child Support Agency's refusal to give consent (in relation to a lump sum deduction order) the date of decision will be the date of receipt of notification of the decision.

Do not complete the boxes marked

'To which track, if any, was the claim or case allocated?' and 'Nature of the decision you wish to appeal'.

These do not apply to your appeal.



N161C_0911.indd 5 10/08/2011 08:41:57

## Section 3: Legal representation

Confirm whether you are legally represented and if so, give your solicitor's name and contact details.

Indicate whether or not your case is being funded.

If you know that the Child Support Agency will be legally represented you should provide the name and contact details of their solicitor, if you have them.

## Section 4: Permission to appeal

You **do not** need permission to appeal an order or decision made by the Child Support Agency.

## Section 5: Other information required for the appeal

You are required to state the details of the deduction order or decision you wish to appeal.

You should also indicate whether your appeal includes any Human Rights Act issues.

An appeal does not automatically stay proceedings in relation to:

- The making of a regular deduction order;
- Any decision following an application for review of a regular deduction order; or
- Refusal to give consent in respect of a lump sum deduction order

However under the legislation an appeal against the making of a final lump sum deduction order automatically creates a stay of that order.



N161C_0911.indd 6 10/08/2011 08:41:57

## Section 6: Grounds for appeal

An appeal must be based on relevant grounds (reasons for appealing).

The court cannot question the maintenance calculation.

Set out briefly and on a separate sheet the reasons for your appeal. If possible, list your reasons in short separately numbered paragraphs.

## Section 7: Arguments in support

You must indicate in support whether the arguments are attached to the notice or will be to follow.

### Other useful information

Try to consider what other information the appeal court might find useful. For example, the court may find it helpful to have a list of people who feature in the case, an explanation of technical terms used in the papers, or a list of events in date order (a chronology). If you are providing any of these, they should be on a separate piece of paper attached to your notice marked with the case and names of the parties.

## Section 8: What you are asking the appeal court to do?

You must indicate by ticking the relevant box whether you are asking the appeal court to set aside or vary the order you are appealing. If you ask the court to vary the order they will instruct the Child Support Agency to do this if your appeal is successful.

Do not tick the box marked ‘order a new trial’ as this does not apply to your appeal.You cannot ask the court to order a new trial



N161C_0911.indd 7 10/08/2011 08:41:57

## Section 9: Other applications

You only need to complete this section if you are asking for orders in addition to those requested in Section 8.

Any application for an extension of time for appealing must be made in the appeal notice itself. You should state the reason for the delay and the steps taken up to the time of filing the notice.

You may wish to make additional applications to the appeal court in connection with your appeal. Any other applications may be made either in the notice, or in a separate application notice (Form N2 - Application notice). This form can be obtained from the court or our website. You may have to pay additional fees if it is filed at a later date than your appellant's notice.

## Section 10: Evidence in support

Include here any information you have to support your application under Section 9.

State whether you are asking for permission to produce oral evidence at the appeal hearing. Where oral evidence is requested you will need to give reasons why you think it is necessary. You should sign the statement of truth at the bottom of this section to support any evidence you provide.



N161C_0911.indd 8 10/08/2011 08:41:57

## Section 11: Supporting documents

**Do not delay filing your appellant's notice at the appeal court.** If you have not been able to obtain any of the documents listed below within the time allowed, complete the notice as best you can and ensure the notice is filed on time. Tick the appropriate boxes to show the documents you are filing with the appeal notice. List any documents that you intend to use, but you do not have available in the box over the page. Set out the reasons why you have been unable to obtain any of the information or documents and give the date when you expect them to be available.

Whenever possible, the following documents should be filed with your appellant's notice:-

- two additional copies of your appellant's notice for the appeal court;
- one copy of your appellant's notice for each of the respondents;
- a copy of the order or decision notification being appealed;
- a copy of the written reasons for the making of the order or decision of the Child Support Agency
- a copy of any notifications sent to you by the Child Support Agency in relation to the order or decision you are appealing.
- a copy of any written communication you have sent to the Child Support Agency about the order or decision you are appealing;
- if appropriate, evidence of any payments you have made to the Child Support Agency that would affect the making of the order or decision you are appealing;
- any witness statements or affidavits in support of any application included in the appellant's notice;



N161C_0911.indd 9 10/08/2011 08:41:57

- a copy of the legal aid or CLSF certificate (if legally represented)
- any other documents which the court directs.

You should remember that if you file any of the documents at a later date, you must check whether or not the information contained in the later documents alters any of the details already given in your appellant's notice. If it does, you will need to apply to the court for permission to amend the notice. The court can tell you how to do this.

## What happens next?

**You must send a copy of your appellant's notice and any other documents to the Child Support Agency and any other respondents. The Child Support Agency's contact details can be found on the notifications they have sent to you.**

Send or take the notice and copies of all the other documents to the county court with the appropriate fee. The court can tell you how much this is.The court will seal the notice (stamp the notice with the court seal).



N161C_0911.indd 10 10/08/2011 08:41:57