
STATUTORY INSTRUMENTS

1992 No. 1813

**The Child Support (Maintenance
Assessment Procedure) Regulations 1992**

PART III

INTERIM MAINTENANCE ASSESSMENTS

Amount and duration of an interim maintenance assessment

8.—(1) Where a child support officer serves notice under section 12(4) of the Act of his intention to make an interim maintenance assessment, he shall not make the interim assessment before the end of a period of 14 days commencing with the date that notice was given or sent.

(2) The amount of child support maintenance fixed by an interim maintenance assessment shall be 1.5 multiplied by the amount of the maintenance requirement in respect of the qualifying child or qualifying children concerned calculated in accordance with the provisions of paragraph 1 of Schedule 1 to the Act, and paragraphs 2 to 9 of that Schedule shall not apply to interim maintenance assessments.

(3) Where the provisions of regulation 30(2)(a) or (4) apply, the effective date of an interim maintenance assessment shall be such date, being not earlier than the first and not later than the seventh day following the expiry of the period of 14 days specified in paragraph (1), as falls on the same day of the week as the date specified in regulation 30(2)(a).

(4) Where a maintenance assessment is made after an interim maintenance assessment has been in force, child support maintenance calculated in accordance with Part I of Schedule 1 to the Act shall be payable in respect of the period preceding that during which the interim maintenance assessment was in force.

(5) The child support maintenance payable under the provisions of paragraph (4) shall be payable in respect of the period between the effective date of the assessment (or, where separate assessments are made for different periods under paragraph 15 of Schedule 1 to the Act, the effective date of the assessment in respect of the earliest such period) and the effective date of the interim maintenance assessment.

(6) Where a child support officer is satisfied that there was unavoidable delay by the absent parent in completing and returning a maintenance enquiry form under the provisions of regulation 6(1), or in providing information or evidence that is required by the Secretary of State for the determination of an application for a maintenance assessment, he may cancel an interim maintenance assessment which is in force.

(7) An interim maintenance assessment shall not be cancelled under paragraph (6) with effect from a date earlier than that on which the provisions of regulation 6(1) could have been complied with.

(8) Subject to paragraphs (6), (7) and (10), the child support maintenance payable in respect of any period in respect of which an interim maintenance assessment is in force shall not be adjusted following the making of a maintenance assessment.

(9) An interim maintenance assessment shall cease to have effect on the first day of the maintenance period during which the Secretary of State receives the information which enables a child support officer to make the maintenance assessment or assessments in relation to the same absent parent, person with care, and qualifying child or qualifying children, calculated in accordance with Part I of Schedule 1 to the Act.

(10) Where a maintenance assessment calculated in accordance with Part I of Schedule 1 to the Act is made following an interim maintenance assessment and the amount of child support maintenance payable under that assessment in respect of the period during which the interim maintenance assessment was in force is higher than the amount fixed by the interim maintenance assessment determined in accordance with paragraph (2), the amount of child support maintenance payable in respect of that period shall be that fixed by the maintenance assessment calculated in accordance with Part I of Schedule 1 to the Act.

(11) Subject to regulation 9(6), for the purposes of sections 17 and 18 of the Act a maintenance assessment shall not include an interim maintenance assessment.

(12) The provisions of regulations 29, 31, 32, 33(5) and 55 shall not apply to interim maintenance assessments.

Cancellation of an interim maintenance assessment

9.—(1) An absent parent with respect to whom an interim maintenance assessment is in force may apply to a child support officer for that interim assessment to be cancelled.

(2) Any application made under paragraph (1) shall be in writing, and shall include a statement of the grounds for the application.

(3) A child support officer who receives an application under the provisions of paragraph (1), shall—

- (a) decide whether the interim maintenance assessment is to be cancelled and, if so, the date with effect from which it is to be cancelled;
- (b) in any case where he does cancel an interim maintenance assessment, decide whether it is appropriate for a maintenance assessment to be made in accordance with the provisions of Part I of Schedule 1 to the Act;
- (c) in any case where he has decided that it is appropriate for a maintenance assessment to be made in accordance with the provisions of Part I of Schedule 1 to the Act, make that assessment.

(4) Where a child support officer has made a decision under paragraph (3), he shall immediately notify the applicant, so far as that is reasonably practicable, and shall give the reasons for his decision in writing.

(5) A notification under paragraph (4) shall include information as to the provisions of sections 18 and 20 of the Act and regulation 24(1) and, where an assessment is made in accordance with the provisions of Part I of Schedule 1 to the Act, the provisions of sections 16 and 17 of the Act.

(6) Where a child support officer has made a decision following an application under paragraph (1), the absent parent may apply to the Secretary of State for a review of that decision and, subject to the modification set out in paragraph (7), the provisions of section 18(5) to (8) of the Act shall apply to such a review.

(7) The modification referred to in paragraph (6) is that section 18(6) of the Act shall have effect as if for “the refusal, assessment or cancellation in question” there is substituted “the decision following an application under regulation 9(1) of the Child Support (Maintenance Assessment Procedure) Regulations 1992”.

(8) Regulations 10, 11 and 25 shall apply to reviews under paragraph (6).