
STATUTORY INSTRUMENTS

1992 No. 1813

The Child Support (Maintenance Assessment Procedure) Regulations 1992

PART VIII

COMMENCEMENT AND TERMINATION OF MAINTENANCE ASSESSMENTS AND MAINTENANCE PERIODS

Effective dates of new maintenance assessments

30.—(1) Subject to [^{F1}regulations 8C (effective dates of interim maintenance assessments), 30A (effective dates in particular cases), 33(7) (maintenance periods)] [^{F2}and to regulation 3(5) [^{F3}, (7) and (8)] of the Maintenance Arrangements and Jurisdiction Regulations (maintenance assessments where court order in force),] the effective date of a new maintenance assessment following an application under section 4^{F4}... or 7 of the Act shall be the date determined in accordance with paragraphs (2) to (4).

[^{F5}(2) Where no maintenance assessment made in accordance with Part I of Schedule 1 to the Act is in force with respect to the person with care and absent parent, the effective date of a new assessment shall be—

- (a) in a case where the application for a maintenance assessment is made by a person with care or by a child under section 7 of the Act—
 - (i) eight weeks from the date on which a maintenance enquiry form has been given or sent to an absent parent, where such date is on or after 18th April 1995 and where within four weeks of the date that form was given or sent, it has been returned by the absent parent to the Secretary of State and it contains his name, address and written confirmation that he is the parent of the child or children in respect of whom the application for a maintenance assessment was made;
 - (ii) in all other circumstances, the date a maintenance enquiry form is given or sent to an absent parent;
- (b) in a case where the application for a maintenance assessment is made by an absent parent—
 - (i) eight weeks from the date on which an application made by an absent parent was received by the Secretary of State, where such date is on or after 18 April 1995 and where, on, or within four weeks of, the date of receipt of that maintenance application, the absent parent has provided his name, address and written confirmation that he is the parent of the child or children in respect of whom the application was made;
 - (ii) in all other circumstances, the date an effective maintenance application form is received by the Secretary of State.]
- [^{F6}(c) in a case where the application for a maintenance assessment is an application in relation to which the provisions of regulation 3 have been applied, the date an effective maintenance application form is received by the Secretary of State.]

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[^{F7}(2A) Where [^{F8}the Secretary of State] is satisfied that there was unavoidable delay by the absent parent in providing the information listed in sub-paragraphs (a)(i) or (b)(i) of paragraph (2) within the time specified in those sub-paragraphs, he may apply the provisions of those sub-paragraphs for the purpose of setting the effective date of a maintenance assessment even though that information was not provided within the time specified in those sub-paragraphs.]

(3) The provisions of regulation 1(6)(b) shall not apply to paragraph (2)(a).

(4) Where [^{F9}the Secretary of State] is satisfied that an absent parent has deliberately avoided receipt of a maintenance enquiry form, he may determine the date on which the form would have been given or sent but for such avoidance, and that date shall be the relevant date for the purposes of paragraph (2)(a).

Textual Amendments

- F1** Words in reg. 30(1) substituted (22.1.1996) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1995 \(S.I. 1995/3261\)](#), regs. 1(2), **32(2)**
- F2** Words in reg. 30(1) added (16.2.1995) by [The Child Support \(Miscellaneous Amendments\) Regulations 1995 \(S.I. 1995/123\)](#), regs. 1(1), **7**
- F3** Words in reg. 30(1) substituted (18.4.1995) by [The Child Support and Income Support \(Amendment\) Regulations 1995 \(S.I. 1995/1045\)](#), regs. 1(1), **36(2)**
- F4** Word in reg. 30(1) omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **2(7)**
- F5** Words in reg. 30(2) substituted (18.4.1995) by [The Child Support and Income Support \(Amendment\) Regulations 1995 \(S.I. 1995/1045\)](#), regs. 1(1), **36(3)**
- F6** Reg. 30(2)(c) added (22.1.1996) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1995 \(S.I. 1995/3261\)](#), regs. 1(2), **32(2)**
- F7** Reg. 30(2A) inserted (18.4.1995) by [The Child Support and Income Support \(Amendment\) Regulations 1995 \(S.I. 1995/1045\)](#), regs. 1(1), **36(4)**
- F8** Words in reg. 30(2A) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **17**
- F9** Words in reg. 30(4) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **17**

[^{F10}Effective dates of new maintenance assessments in particular cases

30A.—(1) Subject to regulation 33(7), where a new maintenance assessment is made in accordance with Part I of Schedule 1 to the Act following an interim maintenance assessment which has ceased to have effect in the circumstances set out in regulation 8D(6), the effective date of that maintenance assessment shall be the date upon which that interim maintenance assessment ceased to have effect in accordance with that regulation.

[^{F11}(2) Where [^{F12}the Secretary of State] receives the information or evidence to enable him to make a maintenance assessment, calculated in accordance with the provisions of Part I of Schedule 1 to the Act, for the period from the date set by regulation 3(7) of the Maintenance Arrangements and Jurisdiction Regulations or regulation 30(2)(a) or (b), as the case may be, to the effective date of the maintenance assessment referred to in paragraph (1), the maintenance assessment first referred to in this paragraph shall, subject to regulation 33(7), have effect for that period.]]

[^{F13}(3) The effective date of a new maintenance assessment made in respect of a person with care and an absent parent shall, where the circumstances set out in paragraph (4) apply, be the first day of the first maintenance period after the [^{F14}Secretary of State] has received the information or evidence referred to in paragraph (4)(c) or 13th January 1997, whichever is the later.

(4) The circumstances referred to in paragraph (3) are where—

- (a) paragraphs (1) and (2) do not apply to that person with care and that absent parent;
- (b) no maintenance assessment made in accordance with the provisions of Part I of Schedule 1 to the Act is in force in relation to that person with care and that absent parent; and
- (c) on or after 13th January 1997, [^{F15}the Secretary of State] has sufficient information or evidence to enable him to make a new maintenance assessment, calculated in accordance with the provisions of Part I of Schedule 1 to the Act, in relation to that person with care and that absent parent but in respect only of a period beginning after the effective date applicable in their case by virtue of regulation 30(2).

(5) Where the information or evidence referred to in paragraph (3) is that there has been an award of income support^[F16], state pension credit^[F17], an income-based jobseeker's allowance or an income-related employment and support allowance], the Secretary of State shall be treated as having received the information or evidence which enables [^{F18}him] to make the assessment referred to in that paragraph on the first day in respect of which income support^[F17], an income-based jobseeker's allowance or an income-related employment and support allowance] was payable under that award.

(6) Where, in a case falling within paragraph (3), [^{F19}the Secretary of State] receives the information or evidence to enable him to make a maintenance assessment calculated in accordance with the provisions of Part I of Schedule 1 to the Act, for the period from the effective date applicable to that case under regulation 30(2)(a) or (b), as the case may be, to the effective date of the assessment referred to in paragraph (3), the maintenance assessment first referred to in this paragraph shall have effect for that period.

(7) Paragraphs (3) to (6) shall not apply where a case falls within regulation 33(7), or regulation 3 of the Maintenance Arrangements and Jurisdiction Regulations (relationship between maintenance assessments and certain court orders).]

[^{F20}(8) The effective date of a new maintenance assessment, where the circumstances set out in paragraph (9) apply, shall be—

- (a) on, or on one of the 6 days immediately following, the effective date as it would have been but for this paragraph; and
- (b) on the same day of the week as the day on which the maintenance period in respect of the previous maintenance assessment, as defined in paragraph 9(b), began.

(9) The circumstances referred to in paragraph (8) are where—

- (a) a maintenance assessment (“the previous maintenance assessment”) has been in force in relation to the absent parent, whether or not in respect of the same parent with care; and
- (b) the previous maintenance assessment is no longer in force when the decision as to the maintenance assessment is made.]

Textual Amendments

- F10** Reg. 30A inserted (22.1.1996) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1995 \(S.I. 1995/3261\)](#), regs. 1(1), **33**
- F11** Reg. 30A(2) substituted (13.1.1997) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1996 \(S.I. 1996/3196\)](#), regs. 1(1), **8(2)**
- F12** Words in reg. 30A(2) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **18**
- F13** Regs. 30A(3)-(7) inserted (13.1.1997) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1996 \(S.I. 1996/3196\)](#), regs. 1(1), **8(3)**
- F14** Words in reg. 30A(3) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Child Support \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/58\)](#), regs. 1(2), **40**

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- F15** Words in reg. 30A(4) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **18**
- F16** Words in reg. 30A(5) inserted (5.11.2003) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 2003 \(S.I. 2003/2779\)](#), regs. 1, **3(3)**
- F17** Words in reg. 30A(5) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **57(5)**
- F18** Word in reg. 30A(5) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **18**
- F19** Words in reg. 30A(6) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **18**
- F20** Reg. 30A(8)(9) inserted (27.10.2008) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 2008 \(S.I. 2008/2544\)](#), regs. 1(1), **4**

Effective dates of maintenance assessments following a review under sections 16 to 19 of the Act

^{F21}**31.**

.....

Textual Amendments

F21 Reg. 31 revoked (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **19**

Effective dates of maintenance assessments following a review under section 18 of the Act

^{F22}**31A.**

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Textual Amendments

F22 Regs. 31-31C revoked (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **19**

Effective dates of maintenance assessments following a review under section 19 of the Act

^{F22}**31B.**

.....

Textual Amendments

F22 Regs. 31-31C revoked (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **19**

Provisions as to effective dates of maintenance assessments in specific cases

^{F22}**31C.**

.....

Textual Amendments

F22 Regs. 31-31C revoked (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **19**

Cancellation of a maintenance assessment

32. Where [^{F23}the Secretary of State] cancels a maintenance assessment under paragraph 16(2) ^{F24}... of Schedule 1 to the Act, the assessment shall cease to have effect from the date of receipt of the request for the cancellation of the assessment or from such later date as [^{F23}he] may determine.

Textual Amendments

- F23** Words in reg. 32 substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **20**
- F24** Words in reg. 32 omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **2(8)**

[^{F25}Cancellation of maintenance assessments made under section 7 of the Act where the child is no longer habitually resident in Scotland

32A.—(1) Where a maintenance assessment made in response to an application by a child under section 7 of the Act is in force and that child ceases to be habitually resident in Scotland, [^{F26}the Secretary of State] shall cancel that assessment.

(2) In any case where paragraph (1) applies, the assessment shall cease to have effect from the date that [^{F26}the Secretary of State] determines is the date on which the child concerned ceased to be habitually resident in Scotland.]

Textual Amendments

- F25** Reg. 32A inserted (5.4.1993) by [The Child Support \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/913\)](#), regs. 1(1), **12**
- F26** Words in regs. 32A(1)(2) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), reg. 1(1), **20**

[^{F27}Notification of intention to cancel a maintenance assessment under paragraph 16(4A) of Schedule 1 to the Act

32B.—(1) [^{F28}The Secretary of State] shall, if it is reasonably practicable to do so, give written notice to the relevant persons of his intention to cancel a maintenance assessment under paragraph 16(4A) of Schedule 1 to the Act.

(2) Where a notice under paragraph (1) has been given, [^{F29}the Secretary of State] shall not cancel that maintenance assessment before the end of a period of 14 days commencing with the date that notice was given or sent.]

Textual Amendments

- F27** Reg. 32B inserted (22.1.1996) by [The Child Support Miscellaneous Amendments \(No. 2\) Regulations, reg. 35, as amended by The Child Support \(Miscellaneous Amendments\) \(No. 3\) Regulations 1995 \(S.I. 1995/3265\)](#), regs. 1(1), **2**
- F28** Words in reg. 32B(1) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **22**
- F29** Words in reg. 32B(2) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **22**

Maintenance periods

33.—(1) The child support maintenance payable under a maintenance assessment shall be calculated at a weekly rate and be in respect of successive maintenance periods, each such period being a period of 7 days.

(2) Subject to paragraph (6), the first maintenance period shall commence on the effective date of the first maintenance assessment, and each succeeding maintenance period shall commence on the day immediately following the last day of the preceding maintenance period.

(3) The maintenance periods in relation to a fresh maintenance assessment [^{F30}made upon the supersession of a decision under section 17 of the Act] shall coincide with the maintenance periods in relation to the earlier assessment, had it continued in force, and the first maintenance period in relation to a fresh assessment shall commence on the day following the last day of the last maintenance period in relation to the earlier assessment.

(4) The amount of child support maintenance payable in respect of a maintenance period which includes the effective date of a fresh maintenance assessment shall be the amount of maintenance payable under that fresh assessment.

(5) The amount of child support maintenance payable in respect of a maintenance period during the course of which a cancelled maintenance assessment ceases to have effect shall be the amount of maintenance payable under that assessment.

[^{F31}Where a case is to be treated as a special case for the purposes of the Act by virtue of regulation 22 of the Maintenance Assessments and Special Cases Regulations (multiple applications relating to an absent parent) and an application is made by a person with care in relation to an absent parent where—

- (a) there is already a maintenance assessment in force in relation to that absent parent and a different person with care; or
- (b) sub-paragraph (a) does not apply, but before a maintenance assessment is made in relation to that application, a maintenance assessment is made in relation to that absent parent and a different person with care,

the maintenance periods in relation to an assessment made in response to that application shall coincide with the maintenance periods in relation to the earlier maintenance assessment, except where regulation 3(7) of the Maintenance Arrangements and Jurisdiction Regulations or paragraph (8) applies, and the first such period shall, subject to paragraph (9), commence not later than 7 days after the date of notification to the relevant persons of the later maintenance assessment.]

[^{F33}(7) Subject to regulation 3(7) of the Maintenance Arrangements and Jurisdiction Regulations and to paragraph (8), the effective date of a maintenance assessment made in response to an application falling within paragraph (6) shall be the date upon which the first maintenance period in relation to that application commences in accordance with that paragraph.

(8) The first maintenance period in relation to a maintenance assessment which is made in response to an application falling within paragraph (6) and which immediately follows an interim maintenance assessment shall commence on the effective date of that interim maintenance assessment or 22nd January 1996 whichever is the later, and the effective date of that maintenance assessment shall be the date upon which that first maintenance period commences.]

[^{F34}(9) Where the case is one to which, if paragraphs (6) and (7) did not apply, regulation 30(2)(a)(i) or (b)(i) would apply, and the first maintenance period would, under the provisions of paragraph (6), commence during the 8 week period referred to in sub-paragraph (a) or (b) of that regulation, the first maintenance period shall commence not later than 7 days after the expiry of that period of 8 weeks.]

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Textual Amendments

- F30** Words in reg. 33(3) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **23**
- F31** Reg. 33(6) substituted (5.8.1996) by [The Child Support \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1945\)](#), regs. 1(2), **12(2)** (with reg. 25(1))
- F32** Words in reg. 33(6) inserted (22.1.1996) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1995 \(S.I. 1995/3261\)](#), regs. 1(2) **36(2)**
- F33** Reg. 33(7)(8) added (22.1.1996) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1995 \(S.I. 1995/3261\)](#), regs. 1(2), **36(3)**
- F34** Reg. 33(9) added (5.8.1996) by [The Child Support \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1945\)](#), regs. 1(2), **12(3)** (with reg. 25(1))

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Changes and effects yet to be applied to :

- Regulations modified by [S.I. 1999/779 art. 2Sch.](#)
- Regulations revoked in part by [S.I. 2001/157 reg. 30\(1\)](#)
- [reg.SC rev.in pt. and amended by S.I. 1999/1047 reg 8](#)
- [reg.SD rev.in pt. and amended by S.I. 1999/1047 reg 9](#)
- [reg.31\(13\(2\) amended by S.I. 1998/2799 reg.2\(4\)\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [Sch. 1 para. 1\(a\) words substituted by S.I. 1999/977 reg. 5](#)
- [Sch. 1 para. 3\(a\) words substituted by S.I. 1999/977 reg. 5](#)
- [reg.8B\(1\) amended by S.I. 1998/2799 reg.2\(2\)\(a\)\(i\)](#)
- [reg.8B\(4\) amended by S.I. 1998/2799 reg.2\(2\)\(a\)\(ii\)](#)
- [regs.99A replaced \(by reg.9\) by S.I. 1999/1047 reg.10](#)
- [reg.9\(1\)\(iii\) amended by S.I. 1998/2799 reg.2\(2\)\(b\)](#)
- [reg.9A\(5\) amended by S.I. 1998/2799 reg.2\(2\)\(c\)](#)
- [reg. 10\(4\)\(c\)\(d\) substituted for reg. 10\(4\)\(c\) by S.I. 1994/227 reg. 2\(2\)](#)
- [reg.10\(4\)\(d\)\(e\) rev. in pt. by S.I. 1998/2799 reg.2\(2\)\(d\)\(vi\)](#)
- [reg. 10\(4\)\(d\)\(e\) substituted for reg. 10\(4\)\(d\) by S.I. 1996/2907 reg. 67\(6\)](#)
- [reg.11\(2A\) added by S.I. 1998/2799 reg.2\(2\)\(e\)](#)
- [reg. 15A\(2\) words added by S.I. 1996/1945 reg. 9](#)
- [regs.17-29 \(Pts. V-VIII\) replaced by S.I. 1999/1047 reg.16](#)
- [regs.18A18B18C18D \(Pt.VA\) added by S.I. 1998/2799 reg.2\(3\)](#)
- [regs.31-31C revoked by S.I. 1999/1047 reg.19](#)
- [reg.31C\(1\) amended by S.I. 1998/2799 reg.2\(4\)\(b\)](#)
- [reg. 31C\(3\) words substituted by S.I. 1996/1945 reg. 11](#)
- [reg.35A amended by S.I. 1999/1047 reg.25](#)
- [reg. 35A words substituted \(amendment to earlier affecting provision SI 1995/3261, reg. 37\) by S.I. 1995/3265 reg. 4](#)
- [reg. 36\(4A\) added by S.I. 1996/1945 reg. 14\(5\)](#)
- [reg. 40A revoked by S.I. 1996/3196 regs. 9](#)