
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 regulation 8(3), the effective date of a new maintenance assessment following an application under section 4, 6 or 7 of the Act shall be the date determined in accordance with paragraphs (2) to (4).

(2) Where no maintenance assessment is in force with respect to the person with care and absent parent, the effective date of a new assessment shall be—

- (a) the date a maintenance enquiry form is given or sent to an absent parent 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; or
- (b) the date an effective maintenance application form is received by the Secretary of State in a case where the application for a maintenance assessment—
 - (i) is made by an absent parent; or
 - (ii) is an application in relation to which the provisions of regulation 3 have been applied.

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

(4) Where a child support officer 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).

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

31.—(1) Where a fresh maintenance assessment is made following a review under section 16 of the Act, the effective date of that assessment shall be 52 weeks after the effective date of the previous assessment.

(2) Subject to paragraph (4), where an application is made under section 17 of the Act for a review of a maintenance assessment in force, and a fresh maintenance assessment is made in accordance with the provisions of regulation 20, 21 or 22, the effective date of that assessment shall be the first day of the maintenance period in which the application is received.

(3) Where a case falls within regulation 18(1), the effective date of the fresh assessment shall be the first day of the maintenance period in which the assessment is made.

(4) Where an application is made under section 17 of the Act for a review of a maintenance assessment in force following the death of a qualifying child and a fresh maintenance assessment is made in accordance with the provisions of regulation 20, 21 or 22, the effective date of that assessment shall be the first day of the maintenance period during the course of which that child died.

(5) Where, following a review under section 18(1)(a) of the Act, a maintenance assessment is made following a refusal to make a maintenance assessment, the effective date of that assessment shall be the effective date of the assessment that would have been made if the application for a maintenance assessment had not been refused.

(6) Subject to paragraphs (7), (10) and (11), where an application is made under section 18(2) of the Act for a review of a maintenance assessment in force, the effective date of a fresh assessment (if one is made) following such a review shall be—

- (a) where the application is received by the Secretary of State within 28 days of the date of notification of that assessment, or on a later date but the Secretary of State is satisfied that there was unavoidable delay, the effective date as determined on the review;
- (b) subject to sub-paragraph (a), where the application is received by the Secretary of State later than 28 days after the date of notification of that assessment, the first day of the maintenance period in which the application is received.

(7) Where an application is made under section 18(1)(b) of the Act for a review of a refusal of an application under section 17 of the Act for the review of a maintenance assessment which is in force, the effective date of a fresh maintenance assessment (if one is made) shall be the date determined under paragraph (2).

(8) Where, following a review under section 18(3) of the Act, a cancelled maintenance assessment is reinstated, the effective date of the reinstated assessment shall be the date on which the cancelled assessment ceased to have effect.

(9) Where there has been a misrepresentation or failure to disclose a material fact on the part of the person with care or absent parent in connection with an application for a maintenance assessment under the Act, or a review under section 16 or 17 of the Act, and that misrepresentation or failure has resulted in an incorrect assessment or a series of incorrect assessments, the effective date of a fresh assessment (or of a fresh assessment in relation to the earliest relevant period) following discovery of the misrepresentation or failure shall be the effective date of the incorrect assessment or the first incorrect assessment, as the case may be.

(10) Where a fresh maintenance assessment is made on a review under section 18 or 19 of the Act by reason of an assessment having been made in ignorance of a material fact or having been based on a mistake as to a material fact and that ignorance or mistake, as the case may be, is attributable to an operational or administrative error on the part of the Secretary of State or of a child support officer, the effective date of that fresh assessment shall be the effective date of the assessment that has been reviewed.

(11) Subject to paragraphs (9), (10), (12), (13) and (14), where a fresh maintenance assessment is made under section 19 of the Act, the effective date of the assessment shall be the first day of the maintenance period in which the assessment is made.

(12) Where a fresh maintenance assessment is made under section 19 of the Act following the death of a qualifying child, the effective date of that assessment shall be the first day of the maintenance period during which that child died.

(13) Where a child support officer on a review under section 18 or 19 of the Act is satisfied that a maintenance assessment which is or has been in force is defective by reason of a mistake as to the effective date of that assessment, the effective date of a fresh assessment shall be that determined in accordance with regulation 30 or in accordance with paragraphs (1) to (12), as the case may be.

(14) Where a child support officer on a review under section 19 of the Act is satisfied that if an application were to be made under section 18 of the Act it would be appropriate to make a fresh

maintenance assessment, and does so, the effective date of that fresh assessment shall be determined in accordance with paragraphs (5) to (8).

Cancellation of a maintenance assessment

32. Where a child support officer cancels a maintenance assessment under paragraph 16(2) or (3) 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 the child support officer may determine.

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 following a review under section 16, 17, 18 or 19 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.

(6) 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 there is already a maintenance assessment in force 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, and the first such period shall commence not later than 7 days after the date of notification to the relevant persons of the later maintenance assessment.