
STATUTORY INSTRUMENTS

1994 No. 227

The Child Support (Miscellaneous Amendments and Transitional Provisions) Regulations 1994

PART IV

PROCEDURE ETC.

Interpretation

9. In this Part of these Regulations “the Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992 ^{M1}.

Marginal Citations

M1 [S.I.1992/1813](#). The relevant amending instrument is [S.I.1993/913](#).

Procedure

10.—(1) The provisions of Part III of these Regulations shall not apply to a case in which there is a maintenance assessment in force on the date they come into force unless the absent parent in relation to whom that assessment was made makes an application for a review of that assessment under section 17 of the Act [^{F1}before 1st June 1999 or an application on or after that date for a decision under section 17 of the Act superseding an earlier decision].

(2) Such an application must be made not later than 3 months after the date when these Regulations come into force, but if an application is made after that period it may be accepted if the Secretary of State is satisfied that there is good reason for its being made late.

[^{F2}(3) Regulation 10(2) of the Procedure Regulations shall not apply in respect of a decision made solely for the purpose of applying Part III of these Regulations but instead the Secretary of State shall notify the relevant persons (as defined in regulation 1(2) of the Procedure Regulations) of the detail of how the provisions of Part III of these Regulations have been applied in that case.]

Textual Amendments

F1 Words in reg. 10(1) inserted (1.6.1999) by S.I. 1999/1510, art. 2, 33

F2 Reg. 10(3) inserted (1.6.1999) by S.I. 1999/1510, art. 2, 33

[^{F3}Revision and supersession

11.—(1) The provisions of the following paragraphs shall apply where the Secretary of State proposes to make a decision under section 16 (revision of decisions) or 17 (decisions superseding

earlier decisions) of the Act with respect to a maintenance assessment under which the amount payable was the transitional amount.

(2) Where a fresh maintenance assessment would be made by virtue of a decision under section 16 or 17 of the Act and the amount payable under that assessment (disregarding the provisions of Part III of these Regulations) (in this regulation called “the new formula amount”) would be—

- (a) more than the formula amount, the amount of child support maintenance payable shall be the transitional amount plus the difference between the formula amount and the new formula amount;
- (b) less than the formula amount but more than the transitional amount, the amount of the child support maintenance payable shall be the transitional amount;
- (c) less than the transitional amount, the amount of child support maintenance payable shall be the new formula amount.

(3) Regulations 21 and 22 of the Procedure Regulations shall apply as if the new formula amount were the amount which would be fixed in accordance with a decision superseding an earlier decision.

(4) Where the effective date of a fresh maintenance assessment made by virtue of a revision under section 16 of the Act or of a decision under section 17 of the Act superseding an earlier decision would, apart from this regulation, be before 18th April 1995—

- (a) the fresh maintenance assessment; and
- (b) the decision under section 16 or, as the case may be, section 17,

shall have effect as from 18th April 1995.]

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Textual Amendments

F3 Reg. 11 substituted (1.6.1999) by S.I. 1999/1510, art. 2, 34

[^{F4} Decisions consequent on the amendments made by Part II

12.—(1) A fresh maintenance assessment shall not be made by virtue of a decision under section 17 of the Act superseding an earlier decision in consequence only of the amendments made by Part II of these Regulations where the amount of child support maintenance fixed by the assessment currently in force and the amount that would be fixed if a fresh assessment were to be made under that section is less than £1.00 a week.

(2) Except in relation to the amendment made by regulation 4(8) above, where a fresh maintenance assessment is made by virtue of a decision under section 17 of the Act superseding an earlier decision in consequence only of the amendments made by Part II of these Regulations, the date as from which—

- (a) the fresh maintenance assessment; and
- (b) the decision under section 16 or, as the case may be, section 17,

shall have effect shall be 7th February 1994.]

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Textual Amendments

F4 Reg. 12 substituted (1.6.1999) by S.I. 1999/1510, art. 2, 35

Reviews consequent on the provisions of Part III

^{F5}**13.**

Changes to legislation: *There are currently no known outstanding effects for the The Child Support (Miscellaneous Amendments and Transitional Provisions) Regulations 1994, PART IV. (See end of Document for details)*

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Textual Amendments

F5 Reg. 13 revoked (1.6.1999) by S.I. 1999/1510, art. 2, 36

Notification

^{F6}**14.**

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Textual Amendments

F6 Reg. 14 revoked (1.6.1999) by S.I. 1999/1510, art. 2, 36

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Miscellaneous Amendments and Transitional Provisions) Regulations 1994, PART IV.