
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Child Support Maintenance Calculation Regulations 2012

PART 3

DECISION MAKING

CHAPTER 6

MISCELLANEOUS MATTERS RELATING TO APPEALS

Decisions involving issues that arise on appeal in other cases

28.—(1) For the purposes of section 28ZA(2)(b) of the 1991 Act⁽¹⁾ (prescribed cases and circumstances in which a decision may be made on a prescribed basis)—

- (a) a case in which there is no maintenance calculation in force is a prescribed case; and
- (b) the prescribed basis on which the Secretary of State may make the decision is as if—
 - (i) the appeal in relation to the different matter, which is referred to in section 28ZA(1)(b) of that Act had already been determined, and
 - (ii) for the purposes of making that decision, the appeal had been determined in a way that resulted in the lowest possible amount of child support maintenance in the circumstances of that case being payable.

(2) The circumstances prescribed under section 28ZA(4)(c) of the 1991 Act (appeal treated as pending against a decision given in a different case even though an appeal against the decision has not been brought or, as the case may be, an application for permission to appeal against the decision has not been made but the time for doing so has not expired) are that the Secretary of State—

- (a) certifies in writing that an appeal against that decision is being considered; and
- (b) considers that, if such an appeal were to be determined in a particular way—
 - (i) there would be no liability for child support maintenance, or
 - (ii) such liability would be less than would be the case were an appeal not made.

⁽¹⁾ Sections 28ZA was inserted by section 43 of the Social Security Act 1998 (c.14).