



Child Support Act 1991

1991 CHAPTER 48

Maintenance assessments

11 Maintenance assessments.

- (1) Any application for a maintenance assessment made to the Secretary of State shall be referred by him to a child support officer whose duty it shall be to deal with the application in accordance with the provision made by or under this Act.

[^{F1}(1A) Where—

- (a) an application for a maintenance assessment is made under section 6, but
- (b) the Secretary of State becomes aware, before referring the application to a child support officer, that the claim mentioned in subsection (1) of that section has been disallowed or withdrawn,

he shall, subject to subsection (1B), treat the application as if it had not been made.

- (1B) If it appears to the Secretary of State that subsection (10) of section 4 would not have prevented the parent with care concerned from making an application for a maintenance assessment under that section he shall—

- (a) notify her of the effect of this subsection, and
- (b) if, before the end of the period of 28 days beginning with the day on which notice was sent to her, she asks him to do so, treat the application as having been made not under section 6 but under section 4.

- (1C) Where the application is not preserved under subsection (1B) (and so is treated as not having been made) the Secretary of State shall notify—

- (a) the parent with care concerned; and
- (b) the absent parent (or alleged absent parent), where it appears to him that that person is aware of the application.]

- (2) The amount of child support maintenance to be fixed by any maintenance assessment shall be determined in accordance with the provisions of Part I of Schedule 1.

- (3) Part II of Schedule 1 makes further provision with respect to maintenance assessments.

Status: Point in time view as at 04/09/1995.

Changes to legislation: Child Support Act 1991, Cross Heading: Maintenance assessments is up to date with all changes known to be in force on or before 30 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** S. 11(1A)-(1C) inserted (4.9.1995) by [Child Support Act 1995 \(c. 34\)](#), **ss. 19**, 30(4); [S.I. 1995/2302](#), **art. 2**, **Sch. Pt. 1**

Commencement Information

- II** S. 11 wholly in force; s. 11 not in force at Royal Assent see s. 58(2); s. 11 in force in respect of specified provisions of Sch. 1 at 17.6.1992 by [S.I. 1992/1431](#), **art. 2**, **Sch.**; s. 11 in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644](#), **art. 2**

12 Interim maintenance assessments.

- (1) Where it appears to a child support officer who is required to make a maintenance assessment that he does not have sufficient information to enable him to make an assessment in accordance with the provision made by or under this Act, he may make an interim maintenance assessment.
- (2) The Secretary of State may by regulations make provision as to interim maintenance assessments.
- (3) The regulations may, in particular, make provision as to—
 - (a) the procedure to be followed in making an interim maintenance assessment; and
 - (b) the basis on which the amount of child support maintenance fixed by an interim assessment is to be calculated.
- (4) Before making any interim assessment a child support officer shall, if it is reasonably practicable to do so, give written notice of his intention to make such an assessment to—
 - (a) the absent parent concerned;
 - (b) the person with care concerned; and
 - (c) where the application for a maintenance assessment was made under section 7, the child concerned.
- (5) Where a child support officer serves notice under subsection (4), he shall not make the proposed interim assessment before the end of such period as may be prescribed.

Commencement Information

- I2** S. 12 wholly in force; s. 12 not in force at Royal Assent see s. 58(2); s. 12(2)(3)(5) in force at 17.6.1992 by [S.I. 1992/1431](#), **art. 2**, **Sch.**; s. 12 in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644](#), **art. 2**

Status:

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Changes to legislation:

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