



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 [^{F1}dealt with by him] in accordance with the provision made by or under this Act.

[^{F2}(1A) Where—

- (a) an application for a maintenance assessment is made under section 6, but
- (b) the Secretary of State becomes aware, [^{F3}before determining the application], that the claim mentioned in subsection (1) of that section has been disallowed or withdrawn,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Status: Point in time view as at 10/11/2000.

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 01 July 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** Words in s. 11(1) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 24\(1\)](#); [S.I. 1999/1510, art. 2\(g\)\(iii\)](#)
- F2** 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](#)
- F3** Words in s. 11(1A) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 24\(2\)](#); [S.I. 1999/1510, art. 2\(g\)\(iii\)](#)

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](#)

[^{F4}12 Default and interim maintenance decisions.

- (1) Where the Secretary of State—
 - (a) is required to make a maintenance calculation; or
 - (b) is proposing to make a decision under section 16 or 17,
 and it appears to him that he does not have sufficient information to enable him to do so, he may make a default maintenance decision.
- (2) Where an application for a variation has been made under section 28A(1) in connection with an application for a maintenance calculation (or in connection with such an application which is treated as having been made), the Secretary of State may make an interim maintenance decision.
- (3) The amount of child support maintenance fixed by an interim maintenance decision shall be determined in accordance with Part I of Schedule 1.
- (4) The Secretary of State may by regulations make provision as to default and interim maintenance decisions.
- (5) The regulations may, in particular, make provision as to—
 - (a) the procedure to be followed in making a default or an interim maintenance decision; and
 - (b) a default rate of child support maintenance to apply where a default maintenance decision is made.]

Textual Amendments

- F4** S. 12 substituted (10.11.2000 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 4, 86\(1\)\(a\)\(2\) \(with ss. 28, 83\(6\)\)](#); [S.I. 2000/2994, art. 2, Sch. Pt. 1](#)

Status:

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