

Status: Point in time view as at 01/06/1999.

Changes to legislation: Child Support Act 1991, Part II is up to date with all changes known to be in force on or before 24 June 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)

SCHEDULES

SCHEDULE 1

MAINTENANCE ASSESSMENTS

PART II

GENERAL PROVISIONS ABOUT MAINTENANCE ASSESSMENTS

Effective date of assessment

- 11 (1) A maintenance assessment shall take effect on such date as may be determined in accordance with regulations made by the Secretary of State.
- (2) That date may be earlier than the date on which the assessment is made.

Form of assessment

- 12 Every maintenance assessment shall be made in such form and contain such information as the Secretary of State may direct.

Assessments where amount of child support is nil

- 13 [F1The Secretary of State] shall not decline to make a maintenance assessment only on the ground that the amount of the assessment is nil.

Textual Amendments

- F1** Words in [Sch. 1 para. 13](#) substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 48\(3\)](#); [S.I. 1999/1510, art. 2\(g\)\(v\)](#)

Consolidated applications and assessments

- 14 The Secretary of State may by regulations provide—
- (a) for two or more applications for maintenance assessments to be treated, in prescribed circumstances, as a single application; and
 - (b) for the replacement, in prescribed circumstances, of a maintenance assessment made on the application of one person by a later maintenance assessment made on the application of that or any other person.

Separate assessments for different periods

- 15 Where [F2the Secretary of State] is satisfied that the circumstances of a case require different amounts of child support maintenance to be assessed in respect of different

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periods, he may make separate maintenance assessments each expressed to have effect in relation to a different specified period.

Textual Amendments

F2 Words in Sch. 1 para. 15 substituted (1.6.1999) by [Social Security Act 1998 \(c. 14\), s. 87\(2\), Sch. 7 para. 48\(4\)](#); [S.I. 1999/1510, art. 2\(g\)\(v\)](#)

Termination of assessments

- 16 (1) A maintenance assessment shall cease to have effect—
- (a) on the death of the absent parent, or of the person with care, with respect to whom it was made;
 - (b) on there no longer being any qualifying child with respect to whom it would have effect;
 - (c) on the absent parent with respect to whom it was made ceasing to be a parent of—
 - (i) the qualifying child with respect to whom it was made; or
 - (ii) where it was made with respect to more than one qualifying child, all of the qualifying children with respect to whom it was made;
 - (d) where the absent parent and the person with care with respect to whom it was made have been living together for a continuous period of six months;
 - (e) where a new maintenance assessment is made with respect to any qualifying child with respect to whom the assessment in question was in force immediately before the making of the new assessment.
- (2) A maintenance assessment made in response to an application under section 4 or 7 shall be cancelled by [^{F3}the Secretary of State] if the person on whose application the assessment was made asks him to do so.
- (3) A maintenance assessment made in response to an application under section 6 shall be cancelled by [^{F3}the Secretary of State] if—
- (a) the person on whose application the assessment was made (“the applicant”) asks him to do so; and
 - (b) he is satisfied that the applicant has ceased to fall within subsection (1) of that section.
- (4) Where [^{F3}the Secretary of State] is satisfied that the person with care with respect to whom a maintenance assessment was made has ceased to be a person with care in relation to the qualifying child, or any of the qualifying children, with respect to whom the assessment was made, he may cancel the assessment with effect from the date on which, in his opinion, the change of circumstances took place.
- [^{F4}(4A) A maintenance assessment may be cancelled by [^{F3}the Secretary of State] if he is [^{F5}proposing to make a decision under section 16 or 17] and it appears to him—
- (a) that the person with care with respect to whom the maintenance assessment in question was made has failed to provide him with sufficient information to enable him to [^{F5}make the decision]; and
 - (b) where the maintenance assessment in question was made in response to an application under section 6, that the person with care with respect to whom

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the assessment was made has ceased to fall within subsection (1) of that section.]

(5) Where—

- (a) at any time a maintenance assessment is in force but [^{F3}the Secretary of State] would no longer have jurisdiction to make it if it were to be applied for at that time; and
- (b) the assessment has not been cancelled, or has not ceased to have effect, under or by virtue of any other provision made by or under this Act,

it shall be taken to have continuing effect unless cancelled by [^{F3}the Secretary of State] in accordance with such prescribed provision (including provision as to the effective date of cancellation) as the Secretary of State considers it appropriate to make.

- (6) Where both the absent parent and the person with care with respect to whom a maintenance assessment was made request [^{F3}the Secretary of State] to cancel the assessment, he may do so if he is satisfied that they are living together.
- (7) Any cancellation of a maintenance assessment under sub-paragraph [^{F6}(4A)], (5) or (6) shall have effect from such date as may be determined by [^{F7}the Secretary of State].
- (8) Where [^{F3}the Secretary of State] cancels a maintenance assessment, he shall immediately notify the absent parent and person with care, so far as that is reasonably practicable.
- (9) Any notice under sub-paragraph (8) shall specify the date with effect from which the cancellation took effect.
- (10) A person with care with respect to whom a maintenance assessment is in force shall provide the Secretary of State with such information, in such circumstances, as may be prescribed, with a view to assisting the Secretary of State ^{F8}... in determining whether the assessment has ceased to have effect, or should be cancelled.
- (11) The Secretary of State may by regulations make such supplemental, incidental or transitional provision as he thinks necessary or expedient in consequence of the provisions of this paragraph.

Textual Amendments

- F3** Words in Sch. 1 para. 16(2)-(6)(8) substituted (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 48(5)(a); S.I. 1999/1510, art. 2(g)(v)
- F4** Sch. 1 para. 16(4A) inserted (22.1.1996) by Child Support Act 1995 (c. 34), ss. 14(2), 30(4); S.I. 1995/3262, art. 2, Sch. Pt. 2
- F5** Words in Sch. 1 para. 16(4A) substituted (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 48(5)(b); S.I. 1999/1510, art. 2(g)(v)
- F6** Word in Sch. 1 para. 16(7) inserted (22.1.1996) by Child Support Act 1995 (c. 34), ss. 14(3), 30(4); S.I. 1995/3262, art. 2, Sch. Pt. 2
- F7** Words in Sch. 1 para. 16(7) substituted (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 48(5)(c); S.I. 1999/1510, art. 2(g)(v)
- F8** Words in Sch. 1 para. 16(10) repealed (1.6.1999) by Social Security Act 1998 (c. 14), s. 87(2), Sch. 7 para. 48(5)(d), Sch. 8; S.I. 1999/1510, art. 2(f)(iii)(g)(v)

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Commencement Information

- II** Sch. 1 para. 16 wholly in force; para. 16 not in force at Royal Assent see s. 58(2); para. 16(5)(10)(11) in force at 17.6.1992 by [S.I. 1992/1431](#), [art. 2](#), [Sch.](#); para. 16 in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644](#), [art. 2](#)

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