



# Child Support Act 1995

## 1995 CHAPTER 34

*Reviews of maintenance assessments etc.*

### 15 **Reviews at instigation of child support officers**

For section 19 of the 1991 Act substitute—

#### **“19 Reviews at instigation of child support officers**

- (1) Where a child support officer is not conducting a review under section 16, 17 or 18, he may nevertheless review—
  - (a) a refusal to make a maintenance assessment,
  - (b) a refusal to review a maintenance assessment under section 17,
  - (c) a maintenance assessment (whether or not in force),
  - (d) a cancellation of a maintenance assessment, or
  - (e) a refusal to cancel a maintenance assessment,if he suspects that it may be defective for one or more of the reasons set out in subsection (2).
- (2) The reasons are that the refusal, assessment or cancellation—
  - (a) was made in ignorance of a material fact;
  - (b) was based on a mistake as to a material fact; or
  - (c) was wrong in law.
- (3) If, on completing such a review, the child support officer is satisfied that the refusal, assessment or cancellation is defective for one or more of those reasons, he may—
  - (a) take no further action;
  - (b) in the case of a maintenance assessment which has been cancelled, set aside the cancellation;
  - (c) make a maintenance assessment;
  - (d) make a fresh maintenance assessment;
  - (e) cancel the maintenance assessment in question.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where a child support officer sets a cancellation aside under subsection (3), the maintenance assessment in question shall have effect as if it had never been cancelled.
- (5) Any cancellation of a maintenance assessment under this section shall have effect from such date as may be determined by the child support officer.
- (6) Where a child support officer suspects that if an application for a review of a maintenance assessment were to be made under section 17 it would be appropriate to make one or more fresh maintenance assessments, he may review the maintenance assessment even though no application for its review has been made under that section.
- (7) If, on completing a review by virtue of subsection (6), the child support officer is satisfied that it would be appropriate to make one or more fresh maintenance assessments, he may do so.”