



# Child Support Act 1995

## 1995 CHAPTER 34

### *Miscellaneous*

#### **19 Non-referral of applications for maintenance assessments**

In section 11 of the 1991 Act, after subsection (1) (referral of application for maintenance assessment to child support officer) insert—

“(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to a child support officer, that the claim mentioned in subsection (1) of that section has been disallowed or withdrawn,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.”