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Status: Point in time view as at 03/11/2008.
Changes to legislation: *Child Support, Pensions and Social Security Act 2000, Cross Heading: Maintenance calculations and interim and default maintenance decisions is up to date with all changes known to be in force on or before 11 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)*
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Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART I

CHILD SUPPORT

Maintenance calculations and interim and default maintenance decisions

1   Maintenance calculations and terminology.

(1) In the ^MIChild Support Act 1991 ("the 1991 Act"), for section 11 (maintenance assessments) there shall be substituted—

> "**11 Maintenance calculations.**
>
> (1) An application for a maintenance calculation made to the Secretary of State shall be dealt with by him in accordance with the provision made by or under this Act.
>
> (2) The Secretary of State shall (unless he decides not to make a maintenance calculation in response to the application, or makes a decision under section 12) determine the application by making a decision under this section about whether any child support maintenance is payable and, if so, how much.
>
> (3) Where—
>> (a)   a parent is treated under section 6(3) as having applied for a maintenance calculation; but
>> (b)   the Secretary of State becomes aware before determining the application that the parent has ceased to fall within section 6(1),
>
> he shall, subject to subsection (4), cease to treat that parent as having applied for a maintenance calculation.

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(4) 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 calculation under that section he shall—

 (a) notify her of the effect of this subsection; and

 (b) if, before the end of the period of one month beginning with the day on which notice was sent to her, she asks him to do so, treat her as having applied not under section 6 but under section 4.

(5) Where subsection (3) applies but subsection (4) does not, the Secretary of State shall notify—

 (a) the parent with care concerned; and

 (b) the non-resident parent (or alleged non-resident parent), where it appears to him that that person is aware that the parent with care has been treated as having applied for a maintenance calculation.

(6) The amount of child support maintenance to be fixed by a maintenance calculation shall be determined in accordance with Part I of Schedule 1 unless an application for a variation has been made and agreed.

(7) If the Secretary of State has agreed to a variation, the amount of child support maintenance to be fixed shall be determined on the basis he determines under section 28F(4).

(8) Part II of Schedule 1 makes further provision with respect to maintenance calculations.”

(2) In the 1991 Act—

 (a) for “maintenance assessment”, wherever it occurs, there shall be substituted “maintenance calculation”; and

 (b) for “assessment” (or any variant of that term), wherever it occurs, there shall be substituted “calculation” (or the corresponding variant) preceded, where appropriate, by “a” instead of “an”.

(3) For Part I of Schedule 1 to the 1991 Act, there shall be substituted the Part I set out in Schedule 1 to this Act.

Commencement Information

I1 S. 1 partly in force; s. 1 not in force at Royal Assent see s. 86(2); s. 1(3) in force for certain purposes at 10.11.2000 by S.I. 2000/2994, art. 2; s. 1(1)(2) in force for certain purposes at 3.3.2003 by S.I. 2003/192, **art. 3**, Sch.

Marginal Citations

M1 1991 c. 48.

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2 Applications under section 4 of the Child Support Act 1991.

(1) In section 4 of the 1991 Act (child support maintenance), subsection (10) shall be amended as follows.

(2) In paragraph (a), after “maintenance order” there shall be inserted “made before a prescribed date”.

(3) After paragraph (a), there shall be inserted—

> "(aa) a maintenance order made on or after the date prescribed for the purposes of paragraph (a) is in force in respect of them, but has been so for less than the period of one year beginning with the date on which it was made; or".

Commencement Information

I2 S. 2 partly in force; s. 2 not in force at Royal Assent see s. 86(2); s. 2(1)(2) in force at 4.2.2003 and s. 2 in force for certain purposes at 3.3.2003 by S.I. 2003/192, **arts. 2**, **3**, Sch.

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3 Applications by persons claiming or receiving benefit.

^{F1} . . . .

Textual Amendments

F1 S. 3 repealed (27.10.2008) by Child Maintenance and Other Payments Act 2008 (c. 6), ss. 58, 62, **Sch. 8**; S.I. 2008/2548, **art. 3(d)(iii)**

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4 Default and interim maintenance decisions.

For section 12 of the 1991 Act (interim maintenance assessments) there shall be substituted—

> "**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."

Commencement Information

I3   S. 4 partly in force; s. 4 not in force at Royal Assent see s. 86(2); s. 4 in force for certain purposes at 10.11.2000 by S.I. 2000/2994, art. 2: s. 4 in force for certain further purposes at 3.3.2003 by S.I. 2003/192, **art. 3**, Sch.

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