



Child Maintenance and Other Payments Act 2008

2008 CHAPTER 6

PART 3

CHILD SUPPORT ETC.

Maintenance calculations

16 Changes to the calculation of maintenance

Schedule 4 (which makes various changes to the provisions about the calculation of maintenance) has effect.

Commencement Information

- I1** S. 16 partly in force; s. 16 not in force at Royal Assent see s. 62; s. 16 in force for certain purposes at 8.10.2012 by S.I. 2012/2523, art. 2(2)(a); s. 16 in force for certain further purposes at 10/12/2012 by S.I. 2012/3042, art. 2(a)
- I2** S. 16 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, arts. 2(a), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)

17 Power to regulate supersession

In section 17 of the Child Support Act 1991 (c. 48) (decisions superseding earlier decisions), for subsections (2) and (3) substitute—

“(2) The Secretary of State may by regulations make provision with respect to the exercise of the power under subsection (1).

(3) Regulations under subsection (2) may, in particular—

Status: Point in time view as at 29/07/2013. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Cross Heading: Maintenance calculations. (See end of Document for details)

- (a) make provision about the cases and circumstances in which the power under subsection (1) is exercisable, including provision restricting the exercise of that power by virtue of change of circumstance;
- (b) make provision with respect to the consideration by the [^{F1}Secretary of State], when acting under subsection (1), of any issue which has not led to [^{F2}the Secretary of State's] so acting;
- (c) make provision with respect to procedure in relation to the exercise of the power under subsection (1).”

Textual Amendments

- F1** Words in s. 17 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 77**
- F2** Words in s. 17 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 77**

Commencement Information

- I3** S. 17 partly in force; s. 17 not in force at Royal Assent see s. 62; s. 17 in force for certain purposes at 8.10.2012 by [S.I. 2012/2523](#), **art. 2(2)(c)**; s. 17 in force for certain further purposes at 10.12.2012 by [S.I. 2012/3042](#), **art. 2(c)**;
- I4** S. 17 in force at 29.7.2013 for specified purposes by [S.I. 2013/1860](#), **arts. 2(c), 3** (with **arts. 5, 7**) (as amended (24.6.2014) by [S.I. 2014/1635](#), art. 7)

18 Determination of applications for a variation

(1) Section 28D of the Child Support Act 1991 is amended as follows.

(2) After subsection (2) insert—

“(2A) Subsection (2B) applies if—

- (a) the application for a variation is made by the person with care or (in the case of an application for a maintenance calculation under section 7) the person with care or the child concerned, and
- (b) it appears to the [^{F3}Secretary of State] that consideration of further information or evidence may affect [^{F4}the] decision under subsection (1)(a) whether or not to agree to a variation.

(2B) Before making the decision under subsection (1)(a) the [^{F5}Secretary of State] must—

- (a) consider any such further information or evidence that is available to [^{F6}the Secretary of State], and
- (b) where necessary, take such steps as the [^{F5}Secretary of State] considers appropriate to obtain any such further information or evidence.”

(3) In subsection (3), after “duties” insert “, apart from the duty under subsection (2B) ”.

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Textual Amendments

- F3** Words in s. 18 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 78(2)**
- F4** Word in s. 18 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 78(2)**
- F5** Words in s. 18 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 78(3)**
- F6** Words in s. 18 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 78(3)**

Commencement Information

- I5** S. 18 partly in force; s. 18 not in force at Royal Assent see s. 62; s. 18 in force for certain purposes at 10.12.2012 by [S.I. 2012/3042](#), **art. 2(c)**
- I6** S. 18 in force at 29.7.2013 for specified purposes by [S.I. 2013/1860](#), **arts. 2(c), 3** (with **arts. 5, 7**) (as amended (24.6.2014) by [S.I. 2014/1635](#), art. 7)

VALID FROM 09/03/2014

19 Transfer of cases to new rules

Schedule 5 (which makes provision for, and in connection with, enabling the Commission to require existing cases to transfer to the new maintenance calculation rules or to leave the statutory scheme, so far as future accrual of liability is concerned) has effect.

Status:

Point in time view as at 29/07/2013. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Cross Heading: Maintenance calculations.