
STATUTORY INSTRUMENTS

1992 No. 1813

The Child Support (Maintenance Assessment Procedure) Regulations 1992

[^{F1}PART V

Revisions and Supersessions

Textual Amendments

- F1** Pt. V substituted for Pt. V to Pt. VII (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), 16

Revision of decisions

- 17.—(1) Subject to paragraphs (6) and (8), any decision may be revised by the Secretary of State—
- (a) if the Secretary of State receives an application for the revision of a decision under section 16 of the Act ^{F2}... [^{F3}either—
 - (i) within one month of the date of notification of the decision;
 - (ii) within one month of the date on which notice of the correction is given under regulation 53A(3) (correction of accidental errors); or
 - (iii) within such longer time as may be allowed by regulation 18;]
 - (b) if—
 - (i) the Secretary of State notifies a person, who applied for a decision to be revised within the period specified in sub-paragraph (a), that the application is unsuccessful because the Secretary of State is not in possession of all of the information or evidence needed to make a decision; and
 - (ii) that person reapplies for a decision to be revised within one month of the notification described in head (i) above, or such longer period as the Secretary of State is satisfied is reasonable in the circumstances of the case, and provides in that application sufficient evidence or information to enable a decision to be made;
 - (c) if the decision arose from an official error;
 - (d) if the Secretary of State is satisfied that the original decision was erroneous due to a misrepresentation of, or failure to disclose, a material fact and that the decision was more advantageous to the person who misrepresented or failed to disclose that fact than it would otherwise have been but for that error; ^{F4}...
 - (e) if the Secretary of State commences action leading to the revision of a decision within one month of the date of notification of the decision; [^{F5}or]
 - [^{F5}(f) if an appeal is made under section 20 of the Act against a decision within the time prescribed [^{F6}by the Tribunal Procedure Rules], but the appeal has not been determined.]

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(2) A decision may be revised by the Secretary of State in consequence of a departure direction where that departure direction takes effect on the effective date.

(3) Subject to regulation 20(6) a decision of the Secretary of State under section 12 of the Act may be revised where—

- (a) the Secretary of State receives information which enables him to make a maintenance assessment calculated in accordance with Part I of Schedule 1 to the Act for the whole of the period beginning with the effective date applicable to a particular case; or
- (b) the Secretary of State is satisfied that there was unavoidable delay by the absent parent in—
 - (i) completing and returning a maintenance enquiry form under the provisions of regulation 6(1);
 - (ii) providing information or evidence that is required by him for the determination of an application for a maintenance assessment; or
 - (iii) providing information or evidence that is required by him to enable him to revise a decision under section 16 of the Act or supersede a decision under section 17 of the Act.

(4) Where an interim maintenance assessment is in force which is not a Category B interim maintenance assessment and the Secretary of State is satisfied that it would be appropriate to make a Category B interim maintenance assessment, he may revise the interim maintenance assessment which is in force.

(5) Where the Secretary of State revises an interim maintenance assessment in accordance with paragraph (4) and that interim maintenance assessment was made immediately following a previous interim maintenance assessment, he may also revise that previous interim maintenance assessment.

(6) [F7 Paragraph (1) shall not apply in respect of a material change of circumstances which—

- (a) occurred since the date on which the decision was made; or
- (b) is expected, according to information or evidence which the Commission has, to occur.]

(7) In paragraphs (1), (2) and (6) and regulation 18(3) “decision” means a decision of the Secretary of State under section 11 or 12 of the Act and any supersession of such a decision.

(8) Paragraph (1) shall apply in relation to—

- (a) any decision of the Secretary of State with respect to ^{F8}... a person’s liability under section 43 of the Act; and
- (b) the supersession of any such decision under section 17 as extended by paragraph 2 of Schedule 4C to the Act,

as it applies in relation to any decision of the Secretary of State under sections 11, 12 or 17 of the Act.

Textual Amendments

- F2** Words in reg. 17(1)(a) omitted (23.3.2015) by virtue of [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **2(2)(a)**
- F3** Words in reg. 17 inserted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **2(2)(b)**
- F4** Word in reg. 17(1)(d) omitted (16.9.2004) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **4(a)**
- F5** Reg. 17(1)(f) and word added (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **4(b)**
- F6** Words in reg. 17(1)(f) substituted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **3(4)** (with reg. 8(1))

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- F7** Reg. 17(6) substituted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **3(2)**
- F8** Words in reg. 17(8)(a) omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **2(4)**

[^{F9}Consideration of revision before appeal

17A.—(1) This regulation applies in a case where—

- (a) the Secretary of State gives a person written notice of a decision; and
- (b) that notice includes a statement to the effect that there is a right of appeal to the First-tier Tribunal against the decision only if the Secretary of State has considered an application for a revision of the decision.

(2) In a case to which this regulation applies, a person has a right of appeal under section 20 of the Act against the decision only if the Secretary of State has considered on an application whether to revise the decision under section 16 of the Act.

(3) The notice referred to in paragraph (1) must inform the person of the time limit specified in regulation 17(1) for making an application for a revision.

(4) Where, as the result of paragraph (2), there is no right of appeal against a decision, the Secretary of State may treat any purported appeal as an application for a revision under section 16 of the Act.

(5) In this regulation, “decision” means a decision mentioned in section 20 of the Act (as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act 2000).]

Textual Amendments

- F9** Reg. 17A inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **3(3)**

Late applications for a revision

18.—(1) The period of one month specified in regulation 17(1)(a) may be extended where the requirements specified in the following provisions of this regulation are met.

(2) An application for an extension of time shall be made by a relevant person or a person acting on his behalf.

(3) An application for an extension of time under this regulation shall—

- (a) be made within 13 months of the date on which notification of the decision which it is sought to have revised was given or sent; and
- (b) contain particulars of the grounds on which the extension of time is sought and shall contain sufficient details of the decision which it is sought to have revised to enable that decision to be identified.

(4) The application for an extension of time shall not be granted unless the person making the application or any person acting for him satisfies the Secretary of State that—

- (a) it is reasonable to grant that application;
- (b) the application for a decision to be revised has merit [^{F10}except in a case to which regulation 17A applies]; and
- (c) special circumstances are relevant to the application for an extension of time,

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and as a result of those special circumstances, it was not practicable for the application for a decision to be revised to be made within one month of the date of notification of the decision which it is sought to have revised.

(5) In determining whether it is reasonable to grant an application for an extension of time, the Secretary of State shall have regard to the principle that the greater the time that has elapsed between the expiration of the period of one month described in regulation 17(1)(a) from the date of notification of the decision which it is sought to have revised and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application is based.

(6) In determining whether it is reasonable to grant the application for an extension of time, [F11 except in a case to which regulation 17A applies,] no account shall be taken of the following—

- (a) that the person making the application for an extension of time or any person acting for him was unaware of or misunderstood the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by these Regulations); or
- (b) that [F12 the Upper Tribunal] or a court has taken a different view of the law from that previously understood and applied.

(7) An application under this regulation for an extension of time which has been refused may not be renewed.

Textual Amendments

- F10** Words in reg. 18(4)(b) inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **3(5)(a)**
- F11** Words in reg. 18(6) inserted (28.10.2013) by [The Social Security, Child Support, Vaccine Damage and Other Payments \(Decisions and Appeals\) \(Amendment\) Regulations 2013 \(S.I. 2013/2380\)](#), regs. 1(2), **3(5)(b)**
- F12** Words in reg. 18(6)(b) substituted (3.11.2008) by [The Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 59**

Date from which revised decision takes effect

19. Where the date from which a decision took effect is found to be erroneous on a revision under section 16 of the Act, the revision shall take effect from the date on which the revised decision would have taken effect had the error not been made.

Supersession of decisions

20.—(1) Subject to paragraphs (9) and (10), for the purposes of section 17 of the Act, the cases and circumstances in which a decision (“a superseding decision”) may be made under that section are set out in paragraphs (2) to (7).

(2) A decision may be superseded by a decision made by the Secretary of State acting on his own initiative—

- (a) where he is satisfied that the decision is one in respect of which there has been a material change of circumstances since the decision was made;
- (b) where he is satisfied that the decision was made in ignorance of, or was based upon a mistake as to, some material fact; or
- (c) in consequence of a departure direction or of a revision or supersession of a decision with respect to a departure direction.

(3) Except where paragraph (8) applies, [^{F13}but subject to regulation 23(22)] a decision may be superseded by a decision made by the Secretary of State where—

- (a) an application is made on the basis that—
 - (i) there has been a change of circumstances [^{F14}since the date from which the decision had effect]; or
 - (ii) it is expected that a change of circumstances will occur; and
- (b) the Secretary of State is satisfied that the change of circumstances is or would be material.

[^{F15}(3A) For the purposes of paragraph 2 of Schedule 4C to the Act, the circumstances in which a decision may be superseded under paragraph (2) or (3) include where the material change of circumstances causes the maintenance assessment to cease by virtue of paragraph 16(1) of Schedule 1 to the Act or where the Commission no longer has jurisdiction by virtue of section 44 of the Act (jurisdiction).]

- (4) A decision may be superseded by a decision made by the Secretary of State where—
- (a) an application is made on the basis that the decision was made in ignorance of, or was based upon a mistake as to, a fact; and
 - (b) the Secretary of State is satisfied that the fact is or would be material.

[^{F16}(4A) A decision may be superseded by a decision made by the Secretary of State—

- (a) where an application is made on the basis that; or
- (b) acting on his own initiative where,

the decision to be superseded is a decision of [^{F17}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or of a Child Support Commissioner] that was made in accordance with section 28ZB(4) (b) of the Act, in a case where section 28ZB(5) of the Act applies.]

(5) A decision, other than a decision given on appeal, may be superseded by a decision made by the Secretary of State—

- (a) acting on his own initiative where he is satisfied that the decision was erroneous in point of law; or
- (b) where an application is made on the basis that the decision was erroneous in point of law.

(6) An interim maintenance assessment may be superseded by a decision made by the Secretary of State where he receives information which enables him to make a maintenance assessment calculated in accordance with Part I of Schedule 1 to the Act for a period beginning after the effective date of that interim maintenance assessment.

(7) Subject to paragraphs (4) and (5) of regulation 17, where the Secretary of State is satisfied that it would be appropriate to make an interim maintenance assessment the category of which is different from that of the interim maintenance assessment which is in force, he may make a decision which supersedes the interim maintenance assessment which is in force.

(8) This paragraph applies—

- (a) where any paragraph of regulation 21 applies; and
- (b) in the case of a Category A or Category D interim maintenance assessment.

(9) The cases and circumstances in which a decision may be superseded shall not include any case or circumstance in which a decision may be revised.

(10) Paragraphs (2) to (6) shall apply neither in respect of—

- (a) a decision to refuse an application for a maintenance assessment; nor
- (b) a decision to cancel a maintenance assessment.

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(11) For the purposes of section 17 of the Act as extended by paragraph 2 of Schedule 4C to the Act, paragraphs (2) to (5) shall apply in relation to—

- (a) a decision with respect to ^{F18}... a person's liability under section 43 of the Act; and
- (b) any decision of the Secretary of State under section 17 of the Act as extended by paragraph 2 of Schedule 4C to the Act, whether as originally made or as revised under section 16 of the Act as extended by paragraph 1 of Schedule 4C to the Act, as they apply in relation to any decision as to a maintenance assessment save that paragraph (8) shall not apply in respect of such a decision.

Textual Amendments

- F13** Words in reg. 20(3) inserted (16.3.2005) by [The Child Support \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/785\)](#), regs. 1(2)(a), **3(4)**
- F14** Words in reg. 20(3)(a)(i) substituted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **8**
- F15** Reg. 20(3A) inserted (4.12.2009) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/2909\)](#), regs. 1(3), **3(2)**
- F16** Reg. 20(4A) inserted (5.5.2003) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1050\)](#), regs. 1(1)(a), **5(1)** (with reg. 6)
- F17** Words in reg. 20(4A) substituted (retrospective to 14.5.2012) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **2(2)**
- F18** Words in reg. 20(11)(a) omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **2(5)**

Circumstances in which a decision may not be superseded

21.—(1) A decision of the Secretary of State shall not be superseded in any of the circumstances specified in the following paragraphs of this regulation.

(2) Except where paragraph (3) or (4) applies and subject to paragraph (5) and regulation 22, this paragraph applies where the difference between—

- (a) the amount of child support maintenance ("the amount") fixed in accordance with the original decision; and
- (b) the amount which would be fixed in accordance with a superseding decision,

is less than £10.00 per week.

(3) Subject to paragraph (5), this paragraph applies where the circumstances of the absent parent are such that the provisions of paragraph 6 of Schedule 1 to the Act would apply and either—

- (a) the amount fixed in accordance with the original decision is less than the amount that would be fixed in accordance with a superseding decision and the difference between the two amounts is less than £5.00 per week; or
- (b) the amount fixed in accordance with the original decision is more than the amount that would be fixed in accordance with the superseding decision and the difference between the two amounts is less than £1.00 per week.

(4) Subject to paragraph (5), this paragraph applies where—

- (a) the children, in respect of whom child support maintenance would be fixed in accordance with a superseding decision, are not the same children for whom child support maintenance was fixed in accordance with the original decision; and
- (b) the difference between—

- (i) the amount of child support maintenance (“the amount”) fixed in accordance with the original decision; and
 - (ii) the amount which would be fixed in accordance with a superseding decision, is less than £1.00 per week.
- (5) This regulation shall not apply where—
- (a) the absent parent is, by virtue of paragraph 5(4) of Schedule 1 to the Act, to be taken for the purposes of that Schedule to have no assessable income;
 - (b) the case falls within paragraph 7(2) of Schedule 1 to the Act; ^{F19} ...
 - (c) it appears to the Secretary of State that the case no longer falls within paragraph 5(4) of Schedule 1 to the Act^{F20}; or]
 - ^{F20}(d) a decision is superseded and in relation to that superseding decision a maintenance assessment is made to which paragraph 15 of Schedule 1 to the Act applies.]
- (6) In this regulation—
- “original decision” means the decision which would be superseded but for the application of this regulation; and
- “superseding decision” means a decision which would supersede the original decision but for the application of this regulation.

Textual Amendments

- F19** Word in reg. 21(5)(b) omitted (4.7.2011) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **3(3)(a)**
- F20** Reg. 21(5)(d) and word added (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **3(3)(b)**

Special cases and circumstances for which regulation 21 is modified

22. Where an application is made for a supersession on the basis of a change of circumstances which is relevant to more than one maintenance assessment, regulation 21 shall apply with the following modifications—

- (a) before the word “amount” in each place it occurs there shall be inserted the word “aggregate”; and
- (b) for the word “decision” in each place it occurs there shall be substituted the word “decisions”.

Date from which a decision is superseded

23.—(1) Except in a case to which paragraph (2) [^{F21}or (25)] applies, where notice is given under regulation 24 in the period which begins 28 days before an application for a supersession is made and ends 28 days after that application is made, the superseding decision of which notice was given under regulation 24 shall take effect as from the first day of the maintenance period in which that application was made.

- (2) [^{F22}Where a superseding decision is made in a case to which regulation 20(2)(a) applies and—
- (a) the absent parent begins or ceases to receive a benefit mentioned in Schedule 4 to the Maintenance Assessments and Special Cases Regulations (case where child support maintenance is not to be payable); or

(b) the absent parent or person with care begins or ceases to be a person who receives a benefit referred to in paragraph 5(4) of Schedule 1 to the Act (assessable income),
the decision takes effect from the first day of the maintenance period in which the change occurred.]

(3) [^{F23}Subject to paragraph (25),] where a superseding decision is made in a case to which either paragraph (2)(b) or (5)(a) of regulation 20 applies, the decision shall take effect as from the first day of the maintenance period in which the decision was made.

(4) [^{F24}Subject to [^{F25}paragraphs (19) and (25)] , where a superseding decision is made] in a case to which regulation 20(3)(a)(i), (4) or (5)(b) applies, the decision shall take effect as from the first day of the maintenance period in which the application for a supersession was made.

(5) [^{F26}Subject to paragraph (25),] where a superseding decision is made in a case to which regulation 20(3)(a)(ii) applies, the decision shall take effect as from the first day of the maintenance period in which the change of circumstances is due to occur.

(6) Subject to paragraphs (1), (3) and (14), in a case to which regulation 24 applies, a superseding decision shall take effect as from the first day of the maintenance period in which falls the date which is 28 days after the date on which the Secretary of State gave notice to the relevant persons under that regulation.

(7) For the purposes of paragraph (6), where the relevant persons are notified on different dates, the period of 28 days shall be counted from the date of the latest notification.

(8) For the purposes of paragraphs (6) and (7)–

- (a) notification includes oral and written notification;
- (b) where a person is notified in more than one way, the date on which he is notified is the date on which he was first given notification; and
- (c) the date of written notification is the date on which it was handed or sent to the person.

(9) Regulation 1(6) shall not apply in a case to which paragraph (8)(c) applies.

(10) [^{F27}Subject to paragraph (25),] where–

- (a) a decision made by [^{F28}an appeal tribunal or the First-tier Tribunal under section 20 of the Act or the Upper Tribunal or a Child Support Commissioner] is superseded on the ground that it was erroneous due to a misrepresentation of, or that there was a failure to disclose, a material fact; and
- (b) the Secretary of State is satisfied that the decision was more advantageous to the person who misrepresented or failed to disclose that fact than it would otherwise have been but for that error,

the superseding decision shall take effect as from the date the decision of [^{F29}an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or the Child Support Commissioner] took, or was to take effect.

(11) Any decision given under section 17 of the Act in consequence of a determination which is a relevant determination for the purposes of section 28ZC of the Act (restrictions on liability in certain cases of error) shall take effect as from the date of the relevant determination.

(12) [^{F30}Subject to paragraph (25),] where the Secretary of State supersedes a decision in accordance with regulation 20(6), the superseding decision shall take effect as from the first day of the maintenance period in which the Secretary of State has received the information referred to in that paragraph.

(13) [^{F31}Subject to paragraph (25),] where the Secretary of State supersedes a decision in accordance with regulation 20(7), the superseding decision shall take effect as from the first day of the maintenance period in which the Secretary of State became satisfied that it would be appropriate

to make an interim maintenance assessment the category of which is different from that of the maintenance assessment which is in force.

(14) Where a decision is superseded in consequence of a departure direction or a revision or supersession of a decision with respect to a departure direction—

- (a) paragraph (6) above shall not apply; and
- (b) the superseding decision shall take effect as from the date on which the departure direction or, as the case may be, the revision or supersession, took effect.

^{F32}(15)

^{F32}(16)

^{F32}(17)

^{F32}(18)

^{F33}(19) [^{F34}Where a superseding decision is made in a case to which regulation 20(2)(a) or (3) applies and the material circumstance is—

- (a) a qualifying child dies or ceases to be a qualifying child;
- (b) a relevant child dies or ceases to be a relevant child; or
- (c) a child who is a member of the family of the absent parent for the purposes of regulation 11(1)(g) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992, dies or ceases to be a member of the family of the absent parent for those purposes,

the decision shall take effect as from the first day of the maintenance period in which the change occurred.]]

^{F35}(20) [^{F36}Subject to paragraph (25),] where a superseding decision is made in a case to which regulation 20(4A) applies that decision shall take effect from the first day of the maintenance period following the date on which [^{F37}the decision of the appeal tribunal, the First-tier Tribunal, the Upper Tribunal or the Child Support Commissioner] decision would have taken effect had it been decided in accordance with the determination of the [^{F38}Upper Tribunal][^{F39}or the Child Support Commissioner] or the court in the appeal referred to in section 28ZB(1)(b) of the Act.]

^{F40}(21) Where a superseding decision is made in a case to which regulation 20(2)(a) or (3) applies, and the relevant circumstance is that a person has ceased to be a person with care in relation to a qualifying child in respect of whom the maintenance assessment was made, the decision shall take effect from the first day of the maintenance period in which that person ceased to be that person with care in relation to that qualifying child.

[
^{F41}(21A) Where a superseding decision is made in a case to which regulation 20(3A) applies and the material circumstance is—

- (a) a qualifying child dies or ceases to be a qualifying child;
- (b) the person with care ceases to be a person with care in relation to a qualifying child; or
- (c) the person with care, the absent parent or a qualifying child ceases to be habitually resident in the United Kingdom,

the decision takes effect from the first day of the maintenance period in which the change occurred.]

[
^{F42}(21B) Where—

- (a) a superseding decision is made in a case to which regulation 20(3) applies; and

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- (b) in relation to that decision, a maintenance assessment is made to which paragraph 15 of Schedule 1 to the Act applies,

the effective date of the assessment or assessments is the first day of the maintenance period in which the change of circumstances to which the assessment relates occurred or is expected to occur and where it occurred before the date of the application for the supersession and was notified after that date, the first day of the maintenance period in which that application was made.]

(22) Regulation 21 shall not apply where a superseding decision is made under regulation 20(3) in the circumstances set out in paragraph (19) or (21).]

[^{F43}(23) The reference in paragraph (2) to when an absent parent begins or ceases to receive a benefit is to the day on which entitlement to the benefit commences or ends, as the case may be.

(24) In paragraph (19), “relevant child” has the same meaning as in regulation 1(2) of the Maintenance Assessments and Special Cases Regulations.]

[^{F44}(25) Where a superseding decision is made under regulation 20(2) or (3) with respect to the circumstance that a parent with care or an absent parent—

- (a) has been awarded universal credit on the basis that they have no earned income;
- (b) was awarded universal credit on that basis and their award has been revised or superseded on the basis of their having, at the time the award was made or after that time, earned income; or
- (c) was awarded universal credit on the basis that they had earned income and their award has been revised or superseded on the basis of their not having, at the time the award was made or after that time, earned income,

the decision takes effect from the first day of the maintenance period in which the award of universal credit, or the revision or supersession of such an award, as the case may be, took effect or is due to take effect.

(26) For the purposes of paragraph (25), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.]

Textual Amendments

- F21** Words in reg. 23(1) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **40(3)(b)**
- F22** Reg. 23(2) substituted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **3(4)(a)**
- F23** Words in reg. 23(3) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **40(3)(a)**
- F24** Words in reg. 23(4) substituted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **9(b)**
- F25** Words in reg. 23(4) substituted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **40(3)(c)**
- F26** Words in reg. 23(5) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **40(3)(a)**
- F27** Words in reg. 23(10) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **40(3)(a)**
- F28** Words in reg. 23(10)(a) substituted (retrospective to 14.5.2012) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **2(3)(a)(i)**
- F29** Words in reg. 23(10) substituted (retrospective to 14.5.2012) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **2(3)(a)(ii)**
- F30** Words in reg. 23(12) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **40(3)(a)**

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Maintenance Assessment Procedure) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F31** Words in reg. 23(13) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **40(3)(a)**
- F32** Reg. 23(15)-(18) omitted (27.10.2008) by virtue of The Child Support (Consequential Provisions) Regulations 2008 (S.I. 2008/2543), regs. 1, **2(6)**
- F33** Reg. 23(19) added (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **9(c)**
- F34** Reg. 23(19) substituted (30.4.2012) by The Child Support (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/712), regs. 1(1), **4**
- F35** Reg. 23(20) added (5.5.2003) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1050), regs. 1(1)(a), **5(2)** (with reg. 6)
- F36** Words in reg. 23(20) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **40(3)(a)**
- F37** Words in reg. 23(20) substituted (retrospective to 14.5.2012) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **2(3)(b)(i)**
- F38** Words in reg. 23(20) substituted (3.11.2008) by The Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 61(b)(ii)**
- F39** Words in reg. 23(20) inserted (retrospective to 14.5.2012) by The Social Security and Child Support (Supersession of Appeal Decisions) Regulations 2012 (S.I. 2012/1267), regs. 1, **2(3)(b)(ii)**
- F40** Reg. 23(21)(22) added (16.3.2005) by The Child Support (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/785), regs. 1(2)(a), **3(5)**
- F41** Reg. 23(21A) inserted (4.12.2009) by The Child Support (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/2909), regs. 1(3), **3(3)**
- F42** Reg. 23(21B) inserted (4.7.2011) by The Child Support (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/1464), regs. 1(1), **3(4)(c)**
- F43** Reg. 23(23)(24) added (4.7.2011) by The Child Support (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/1464), regs. 1(1), **3(4)(d)**
- F44** Reg. 23(25)(26) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **40(3)(d)**

Procedure where the Secretary of State proposes to supersede a decision on his own initiative

24. Where the Secretary of State on his own initiative proposes to make a decision superseding a decision other than in consequence of a decision with respect to a departure direction or a revision or supersession of such a decision he shall notify the relevant persons who could be materially affected by the decision of that intention.]

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Maintenance Assessment Procedure) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Regulations modified by [S.I. 1999/779 art. 2Sch.](#)
- Regulations revoked in part by [S.I. 2001/157 reg. 30\(1\)](#)
- [reg.SC rev.in pt. and amended by S.I. 1999/1047 reg 8](#)
- [reg.SD rev.in pt. and amended by S.I. 1999/1047 reg 9](#)
- [reg.31\(13\(2\) amended by S.I. 1998/2799 reg.2\(4\)\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [Sch. 1 para. 1\(a\) words substituted by S.I. 1999/977 reg. 5](#)
- [Sch. 1 para. 3\(a\) words substituted by S.I. 1999/977 reg. 5](#)
- [reg.8B\(1\) amended by S.I. 1998/2799 reg.2\(2\)\(a\)\(i\)](#)
- [reg.8B\(4\) amended by S.I. 1998/2799 reg.2\(2\)\(a\)\(ii\)](#)
- [regs.99A replaced \(by reg.9\) by S.I. 1999/1047 reg.10](#)
- [reg.9\(1\)\(iii\) amended by S.I. 1998/2799 reg.2\(2\)\(b\)](#)
- [reg.9A\(5\) amended by S.I. 1998/2799 reg.2\(2\)\(c\)](#)
- [reg. 10\(4\)\(c\)\(d\) substituted for reg. 10\(4\)\(c\) by S.I. 1994/227 reg. 2\(2\)](#)
- [reg.10\(4\)\(d\)\(e\) rev. in pt. by S.I. 1998/2799 reg.2\(2\)\(d\)\(vi\)](#)
- [reg. 10\(4\)\(d\)\(e\) substituted for reg. 10\(4\)\(d\) by S.I. 1996/2907 reg. 67\(6\)](#)
- [reg.11\(2A\) added by S.I. 1998/2799 reg.2\(2\)\(e\)](#)
- [reg. 15A\(2\) words added by S.I. 1996/1945 reg. 9](#)
- [regs.17-29 \(Pts. V-VIII\) replaced by S.I. 1999/1047 reg.16](#)
- [regs.18A18B18C18D \(Pt.VA\) added by S.I. 1998/2799 reg.2\(3\)](#)
- [regs.31-31C revoked by S.I. 1999/1047 reg.19](#)
- [reg.31C\(1\) amended by S.I. 1998/2799 reg.2\(4\)\(b\)](#)
- [reg. 31C\(3\) words substituted by S.I. 1996/1945 reg. 11](#)
- [reg.35A amended by S.I. 1999/1047 reg.25](#)
- [reg. 35A words substituted \(amendment to earlier affecting provision SI 1995/3261, reg. 37\) by S.I. 1995/3265 reg. 4](#)
- [reg. 36\(4A\) added by S.I. 1996/1945 reg. 14\(5\)](#)
- [reg. 40A revoked by S.I. 1996/3196 regs. 9](#)