

STATUTORY INSTRUMENTS

1992 No. 1813

The Child Support (Maintenance Assessment Procedure) Regulations 1992

PART X

MISCELLANEOUS PROVISIONS

Persons who are not persons with care

51.—(1) For the purposes of the Act the following categories of person shall not be persons with care—

- (a) a local authority;
- (b) a person with whom a child who is looked after by a local authority is placed by that authority under the provisions of the Children Act 1989^{M1}[^{F1}except where that person is a parent of such a child and the local authority allow the child to live with that parent under section 23(5) of that Act;]
- [^{F2}(ba) in Scotland, a family or relative with whom a child is placed by a local authority under the provisions of section 26 of the Children (Scotland) Act 1995 or who is providing continuing care by virtue of arrangements made under section 26A of that Act.]
- (c) in Scotland, a person with whom a child is boarded out by a local authority under the provisions of section 21 of the Social Work (Scotland) Act 1968^{M2}.

(2) In paragraph (1) above—

“local authority” means, in relation to England and Wales, the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London and, in relation to Scotland, a regional council or an islands council;

“a child who is looked after by a local authority” has the same meaning as in section 22 of the Children Act 1989.

Textual Amendments

- F1** Words in reg. 51(1)(b) added (5.4.1993) by [The Child Support \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/913\)](#), regs. 1(1), **15**
- F2** [Reg. 51\(1\)\(ba\)](#) inserted (7.11.2017) by [The Social Security and Child Support \(Care Payments and Tenant Incentive Scheme\) \(Amendment\) Regulations 2017 \(S.I. 2017/995\)](#), regs. 1, **16(2)**

Marginal Citations

- M1** 1989 c.41.
- M2** 1968 c.49.

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

Terminations of maintenance assessments

^{F3}52.

Textual Amendments

F3 Reg. 52 revoked (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **31**

Authorisation of representative

53.—(1) A person may authorise a representative, whether or not legally qualified, to receive notices and other documents on his behalf and to act on his behalf in relation to the making of applications and the supply of information under any provision of the Act or these Regulations.

(2) Where a person has authorised a representative for the purposes of paragraph (1) who is not legally qualified, he shall confirm that authorisation in writing to the Secretary of State.

[^{F4}Correction of accidental errors

53A.—(1) An accidental error in a decision of the Secretary of State made under the Act, or in any record of such a decision, may be corrected by the Secretary of State at any time.

(2) Such a correction is to be treated as part of that decision or of that record.

(3) The Secretary of State must give written notice of the correction as soon as practicable to the persons to whom notice of the decision was required to be given.

(4) In calculating the time within which an application may be made under regulation 17(1)(a) (revision of decisions) for a decision to be revised, no account is to be taken of any day falling before the day on which notice of any correction was given.]

Textual Amendments

F4 Reg. 53A inserted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **2(3)**

Correction of accidental errors in decisions

^{F5}54.

Textual Amendments

F5 Regs. 54-57 revoked (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **31**

Setting aside of decisions on certain grounds

^{F5}55.

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Textual Amendments

- F5** Regs. 54-57 revoked (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **31**

Provisions common to regulations 54 and 55

^{F5}**56.**

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Textual Amendments

- F5** Regs. 54-57 revoked (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **31**

[^{F6}Action by the Secretary of State on receipt of an application under section 17 or 18 of the Act where a question as to the entitlement to benefit arises

^{F5}**57.**]

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Textual Amendments

- F5** Regs. 54-57 revoked (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **31**
- F6** Reg. 57 inserted (5.4.1993) by [The Child Support \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/913\)](#), regs. 1(1), **16**

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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](#)