

## SCHEDULE

### PART I

#### PHASED TAKE-ON OF CASES

**1.** In this Part of this Schedule—

“the Act” means the Child Support Act 1991;

“benefit” means income support, family credit, or disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992(1), or any other benefit prescribed under section 6(1) of the Act (applications by persons receiving benefit); and

“transitional period” means the period beginning with 5th April 1993 and ending with 6th April 1997.

**2.** Subject to paragraph 4 below, during the transitional period no application under section 4 of the Act (applications for child support maintenance) in relation to a qualifying child or any qualifying children may be made at any time when—

- (a) there is in force a maintenance order or maintenance agreement in respect of that qualifying child or those qualifying children and the absent parent, or there is pending before any court an application for such a maintenance order; or
- (b) benefit is being paid to a parent of that child or those children.

**3.** Subject to paragraph 4 below, during the transitional period no application under section 7 of the Act (right of child in Scotland to apply for assessment) may be made by a qualifying child at any time when there is in force a maintenance order or maintenance agreement in respect of that child and the absent parent, or there is pending before any court an application for such a maintenance order.

**4.—**(1) Paragraphs 2 and 3 above do not apply to an application made—

- (a) in that part of the transitional period beginning with 8th April 1996, if the surname of the person with care begins with any of the letters A to D inclusive;
- (b) in that part of the transitional period beginning with 1st July 1996, if the surname of the person with care begins with any of the letters E to K inclusive;
- (c) in that part of the transitional period beginning with 7th October 1996, if the surname of the person with care begins with any of the letters L to R inclusive; and
- (d) in that part of the transitional period beginning with 6th January 1997, if the surname of the person with care begins with any of the letters S to Z inclusive.

(2) Where paragraph 2 or 3 applies to a case because there is pending before a court an application for a maintenance order, and that application was made before 5th April 1993, those paragraphs shall not prevent the making of an application for a maintenance assessment under section 4 or, as the case may be, section 7 of the Act; but in such a case section 8(3) of the Act shall not have effect until such an application is actually made.

**5.** For so long as paragraph 2 or 3 above operates in a case so as to prevent an application being made under section 4 of the Act or, as the case may be, section 7 of the Act, and no application has been made under section 6 of the Act, then in relation to that case section 8(3) of the Act (role of the courts with respect to maintenance orders) shall be modified so as to have effect as if the word “vary” was omitted.

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(1) 1992 c. 4. Disability working allowance is prescribed for the purposes of section 6(1) of the Child Support Act by regulation 34 of S.I.1992/1813.

**Status:** *This is the original version (as it was originally made).*