

1992 No. 2645

FAMILY LAW CHILD SUPPORT

The Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992

Made - - - - 26th October 1992
Laid before Parliament 29th October 1992
Coming into force - 5th April 1993

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 8(11), 10(1), (2) and (4), 44(3), 51, 52(4) and 54 of, and paragraph 11 of Schedule 1 to, the Child Support Act 1991(a) and of all other powers enabling him in that behalf hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992 and shall come into force on 5th April 1993.

(2) In these Regulations—

“the Act” means the Child Support Act 1991;



For cases where the savings provision in reg. 1(4) & 11 of S.I. 2012/2785 apply, defns. of “Maintenance Calculation Procedure Regulations” and “Maintenance Calculations and Special Cases Regulations” are reproduced below.

2“Maintenance Calculation Procedure Regulations” means the Child Support (Maintenance Calculation Procedure) Regulations 2000(b);

“Maintenance Calculations and Special Cases Regulations” means the Child Support (Maintenance Calculations and Special Cases) Regulations 200(c);

For cases where the savings provision in reg. 10 of S.I. 2001/161 apply, defns. of “Maintenance Assessments and Special Cases Regulations” and “Maintenance Assessment Procedure Regulations” are reproduced below.

3“Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992(d);

“Maintenance Assessments and Special Cases Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(e);

“effective date” means the date on which a maintenance calculation takes effect for the purposes of the Act;

“maintenance order” has the meaning given in section 8(11) of the Act.

1Defns. of “Maintenance Calculation Procedure Regulations” and “Maintenance Calculations & Special Cases Regulations” omitted by reg. 5(2) of S.I. 2012/2785 as from 10.12.12.

2Defns. of “Maintenance Calculation Procedure Regulations” and “Maintenance Calculations & Special Cases Regulations” inserted by reg. 3(1) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates as from 10.12.12.

3Defn. of Maintenance Assessment Procedure Regulations inserted by reg. 25 of S.I. 1995/1045 as from 18.4.95.

4“Calculation” substituted for “assessment” in reg. 1(2) by reg. 2(2) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

(a) 1991 c. 48. Section 54 is cited because of the meaning ascribed to the word “prescribed”.

(b) S.I. 2001/157.

(c) S.I. 2001/155.

(d) S.I. 1992/1813. Regulation 5 was amended by S.I. 1993/913.

(e) S.I. 1992/1815.

- (3) In these Regulations, unless the context otherwise requires, a reference—
- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
  - (b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number;
  - (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

<sup>1</sup>Reg. 2 substituted by reg. 26 of S.I. 1995/1045 as from 18.4.95.

►<sup>1</sup>**Prescription of enactments for the purposes of section 8(11) of the Act**

**2.** The following enactments are prescribed for the purposes of section 8(11)(f) of the Act—

- (a) the Conjugal Rights (Scotland) Amendment Act 1861(**a**);
- (b) the Court of Session Act 1868(**b**);
- (c) the Sheriff Courts (Scotland) Act 1907(**c**);
- (d) the Guardianship of Infants Act 1925(**d**);
- (e) the Illegitimate Children (Scotland) Act 1930(**e**);
- (f) the Children and Young Persons (Scotland) Act 1932(**f**);
- (g) the Children and Young Persons (Scotland) Act 1937(**g**);
- (h) the Custody of Children (Scotland) Act 1939(**h**);
- (i) the National Assistance Act 1948(**i**);
- (j) the Affiliation Orders Act 1952(**j**);
- (k) the Affiliation Proceedings Act 1957(**k**);
- (l) the Matrimonial Proceedings (Children) Act 1958(**l**);
- (m) the Guardianship of Minors Act 1971(**m**);
- (n) the Guardianship Act 1973(**n**);
- (o) the Children Act 1975(**o**);
- (p) the Supplementary Benefits Act 1976(**p**);
- (q) the Social Security Act 1986(**q**);
- (r) the Social Security Administration Act 1992(**r**).◀

<sup>2</sup>“Calculation(s)” substituted for “assessment(s)” in heading to reg. 3 & in reg. 3 (2) by reg. 2(2) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

<sup>3</sup>Reg. 3(1) substituted by reg. 27(2) of S.I. 1995/1045 as from 18.4.95.

**Relationship between maintenance ►<sup>2</sup>calculations◀ and certain court orders**

**3.**—►<sup>3</sup>(1) Orders made under the following enactments are of a kind prescribed for the purposes of section 10(1) of the Act—

- (a) the Conjugal Rights (Scotland) Amendment Act 1861;
- (b) the Court of Session Act 1868;
- (c) the Sheriff Courts (Scotland) Act 1907;
- (d) the Guardianship of Infants Act 1925;
- (e) the Illegitimate Children (Scotland) Act 1930;
- (f) the Children and Young Persons (Scotland) Act 1932;
- (g) the Children and Young Persons (Scotland) Act 1937;
- (h) the Custody of Children (Scotland) Act 1939;
- (i) the National Assistance Act 1948;
- (j) the Affiliation Orders Act 1952;
- (k) the Affiliation Proceedings Act 1957;
- (l) the Matrimonial Proceedings (Children) Act 1958;
- (m) the Guardianship of Minors Act 1971;
- (n) the Guardianship Act 1973;
- (o) Part II of the Matrimonial Causes Act 1973(**s**);
- (p) the Children Act 1975;
- (q) the Supplementary Benefits Act 1976;
- (r) the Domestic Proceedings and Magistrates Courts Act 1978(**t**);
- (s) Part III of the Matrimonial and Family Proceedings Act 1984(**u**);
- (t) the Family Law (Scotland) Act 1985(**v**);
- (u) the Social Security Act 1986;

---

(a) 1861 c. 86.	(b) 1868 c. 100.	(c) 1907 c. 51.	(d) 1925 c. 45.	(e) 1930 c. 33.
(f) 1932 c. 47.	(g) 1937 c. 37.	(h) 1939 c. 4.	(i) 1948 c. 29.	(j) 1952 c. 41.
(k) 1957 c. 55.	(l) 1958 c. 40.	(m) 1971 c. 3.	(n) 1973 c. 29.	(o) 1975 c. 72.
(p) 1976 c. 71.	(q) 1986 c. 50.	(r) 1992 c. 5.	(s) 1973 c. 18.	(t) 1978 c. 22.
(u) 1984 c. 42.	(v) 1985 c. 37.			

- (v) Schedule 1 to the Children Act 1989(a);
- (w) the Social Security Administration Act 1992.◀
- ▶<sup>1</sup>(x) Schedule 5, 6 or 7 to the Civil Partnership Act 2004.◀

(2) Subject to paragraphs (3) and (4), where a maintenance ▶<sup>2</sup>calculations◀ is made with respect to—

- (a) all of the children with respect to whom an order falling within paragraph (1) is in force; or
- (b) one or more but not all of the children with respect to whom an order falling within paragraph (1) is in force and where the amount payable under the order to or for the benefit of each child is separately specified,

that order shall, so far as it relates to the making or securing of periodical payments to or for the benefit of the children with respect to whom the maintenance ▶<sup>2</sup>calculation◀ has been made, cease to have effect ▶<sup>3</sup>on the effective date of the maintenance calculation.◀

(3) The provisions of paragraph (2) shall not apply where a maintenance order has been made in accordance with section 8(7) or (8) of the Act.

(4) In Scotland, where—

- (a) an order has ceased to have effect by virtue of the provisions of paragraph (2) to the extent specified in that paragraph; and
- (b) ▶<sup>4</sup>the Secretary of State◀ no longer has jurisdiction to make a maintenance ▶<sup>2</sup>calculation◀ with respect to a child with respect to whom the order ceased to have effect,

that order shall, so far as it relates to that child, again have effect from the date ▶<sup>4</sup>the Secretary of State◀ no longer has jurisdiction to make a maintenance ▶<sup>2</sup>calculation◀ with respect to that child.

▶<sup>3</sup>◀

*For cases where the savings in reg. 10 of S.I. 2001/161 apply, regs. 3(5) to (8) are reproduced below:*

(5) ▶<sup>5</sup>Subject to regulation 33(7) of the Maintenance Assessment Procedure Regulations,◀ where a maintenance assessment is made with respect to children with respect to whom an order falling within paragraph (1) is in force, the effective date of that assessment shall be two days after the assessment is made.

(6) Where the provisions of paragraph (2) apply to an order, that part of the order to which those provisions apply shall cease to have effect from the effective date of the maintenance assessment.

▶<sup>6</sup>(7) Where at the time an interim maintenance assessment was made there was in force with respect to children in respect of whom that interim maintenance assessment was made an order falling within paragraph (1), the effective date of a maintenance assessment subsequently made in accordance with Part I of Schedule 1 to the Act in respect of those children shall be the effective date of that interim maintenance assessment as determined under paragraph (5).◀

▶<sup>7</sup>(8) ▶<sup>8</sup>Subject to regulation 33(7) of the Maintenance Assessment Procedure Regulations,◀ where—

- (a) a maintenance assessment is made in accordance with Part I of Schedule 1 to the Act in respect of children with respect to whom an order falling within paragraph (1) was in force; and
- (b) that order ceases to have effect on or after 18th April 1995, for reasons other than the making of an interim maintenance assessment, but prior to the date on which the maintenance assessment is made and after—
  - (i) the date on which a maintenance enquiry form referred to in regulation 5(2) of the Maintenance Assessment Procedure Regulations was given or sent to the absent parent, where the application for a maintenance assessment was made by a person with care or a child under section 7 of the Act; or

<sup>1</sup>Sub-para. (x) inserted in reg. 3(1) by para. 4 of Sch. 4 to S.I. 2005/2877 as from 5.12.05.

<sup>2</sup>“Calculation(s)” substituted for “assessment(s) in reg. 3 (2) & (4) by reg. 2(2) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

<sup>3</sup>Words inserted in reg. 3(2) & regs. 3(5) to (8) deleted by reg. 8(1) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

<sup>4</sup>Words substituted in reg. 3(4) by art. 31(1) of S.I. 1999/1510 as from 1.6.99.

<sup>5</sup>Words inserted in reg. 3(5) by reg. 14 of S.I. 1995/3261 as from

<sup>6</sup>Reg. 3(7) inserted by reg. 3 of S.I. 1995/123 as from 16.2.95.

<sup>7</sup>Reg. 3(8) added by reg. 27(3) of S.I. 1995/1045 as from 18.4.95.

<sup>8</sup>Words inserted in reg. 3(8) by reg. 14 of S.I. 1995/3261 as from 22.1.96.

(a) 1989 c. 41.

## Regs. 3-5

- (ii) the date on which a maintenance application which complies with the provisions of regulation 2 of the Maintenance Assessment Procedure Regulations was received by the Secretary of State from an absent parent,

the effective date of that maintenance assessment shall be the day following that on which the court order ceased to have effect.◀

<sup>1</sup>“Calculation(s)” substituted for “assessment(s) in reg. 4(2) & heading to reg. 4 by reg. 2(2) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

**Relationship between maintenance ▶<sup>1</sup>calculations◀ and certain agreements**

**4.—**(1) Maintenance agreements within the meaning of section 9(1) of the Act are agreements of a kind prescribed for the purposes of section 10(2) of the Act.

(2) Where a maintenance ▶<sup>1</sup>calculation◀ is made with respect to—

- (a) all of the children with respect to whom an agreement falling within paragraph (1) is in force; or
- (b) one or more but not all of the children with respect to whom an agreement falling within paragraph (1) is in force and where the amount payable under the agreement to or for the benefit of each child is separately specified,

that agreement shall, so far as it relates to the making or securing of periodical payments to or for the benefit of the children with respect to whom the maintenance ▶<sup>2</sup>calculation◀ has been made, become unenforceable from the effective date of the ▶<sup>2</sup>calculation◀.

(3) Where an agreement becomes unenforceable under the provisions of paragraph (2) to the extent specified in that paragraph, it shall remain unenforceable in relation to a particular child until such date as ▶<sup>3</sup>the Secretary of State◀ no longer has jurisdiction to make a maintenance ▶<sup>2</sup>calculation◀ with respect to that child.

<sup>2</sup>“Calculation” substituted for “assessment” in regs. 4(2), 4(3), 5(1), 5(3) & 6(1) by reg. 2(2) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

**Notifications by ▶<sup>3</sup>the Secretary of State◀**

<sup>3</sup>Words substituted in reg. 4(3) and 5 by art. 31 of S.I. 1999/1510 as from 1.6.99.

**5.—**(1) Where ▶<sup>3</sup>the Secretary of State◀ is aware that an order of a kind prescribed in paragraph (2) is in force and considers that the making of a maintenance ▶<sup>2</sup>calculation◀ has affected, or is likely to affect, that order, he shall notify the persons prescribed in paragraph (3) in respect of whom that maintenance ▶<sup>2</sup>calculation◀ is in force, and the persons prescribed in paragraph (4) holding office in the court where the order in question was made or subsequently registered, of the ▶<sup>2</sup>calculation◀ and its effective date.

(2) The prescribed orders are those made under an enactment mentioned in regulation 3(1).

(3) The prescribed persons in respect of whom the maintenance ▶<sup>2</sup>calculation◀ is in force are—

- (a) a person with care;
- (b) an ▶<sup>4</sup>non-resident parent◀;

*For cases where the savings in reg. 1(4) & 11 of S.I. 2012/2785 apply, reg. 5(3)(c) is reproduced below:*

- (c) a person who is treated as an ▶<sup>4</sup>non-resident parent◀ under ▶<sup>5</sup>regulation 50 of the Child Support Maintenance Calculation Regulations 2012(a)◀

*For cases where the savings in reg. 10 of S.I. 2001/161 apply, the unamended reg. 5(3)(c) is reproduced below:*

- (c) a person who is treated as an ▶<sup>4</sup>non-resident parent◀ under ▶<sup>6</sup>regulation 8 of the Maintenance Calculations and Special Cases Regulations◀

- (d) a child who has made an application for a maintenance ▶<sup>2</sup>calculation◀ under section 7 of the Act.

(4) The prescribed person holding office in the court where the order in question was made or subsequently registered is—

- (a) in England and Wales—
- (i) in relation to the High Court, the senior district judge of the principal registry of the Family Division or, where proceedings were instituted in a district registry, the district judge;

<sup>4</sup>“Non-resident parent” substituted for “absent parent” in reg. 5(3) by reg. 2(1) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

<sup>5</sup>Words substituted in reg. 5(3)(c) by reg. 3(2) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

<sup>6</sup>Words substituted in reg. 5(3)(c) by reg. 5(3) of S.I. 2012/2785 as from 10.12.12.

(a) S.I. 2012/2677.

- (ii) in relation to a county court, the proper officer of that court within the meaning of Order 1, Rule 3 of the County Court Rules 1981(a);

*For cases where the savings in reg. 10 of S.I. 2001/161 apply, the unamended reg. 5(4)(a)(iii) is reproduced below:*

- (iii) in relation to a magistrates' court, the <sup>1</sup>designated officer<sup>◀</sup> for that court;
- (b) in Scotland—
  - (i) in relation to the Court of Session, the Deputy Principal Clerk of Session;
  - (ii) in relation to a sheriff court, the sheriff clerk.

<sup>1</sup>Words substituted in reg. 5(4)(a)(iii) by art. 159 of S.I. 2005/617 as from 1.4.05.

**Notification by the court**

6.—(1) Where a court is aware that a maintenance <sup>2</sup>calculation<sup>◀</sup> is in force and makes an order mentioned in regulation 3(1) which it considers has affected, or is likely to affect, that <sup>2</sup>calculation<sup>◀</sup>, the person prescribed in paragraph (2) shall notify the Secretary of State to that effect.

<sup>2</sup>“Calculation” substituted for “assessment” in reg. 6(1) by reg. 2(2) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

(2) The prescribed person is the person holding the office specified below in the court where the order in question was made or subsequently registered—

- (a) in England and Wales—
  - (i) in relation to the High Court, the senior district judge of the principal registry of the Family Division or, where proceedings were instituted in a district registry, the district judge;
  - (ii) in relation to a county court, the proper officer of that court within the meaning of Order 1, Rule 3 of the County Court Rules 1981;

*For cases where the savings in reg. 10 of S.I. 2001/161 apply, the unamended reg. 6(2)(a)(iii) is reproduced below:*

- (iii) in relation to a magistrates' court, the <sup>3</sup>designated officer<sup>◀</sup> for that court;
- (b) in Scotland—
  - (i) in relation to the Court of Session, the Deputy Principal Clerk of Session;
  - (ii) in relation to a sheriff court, the sheriff clerk.

<sup>3</sup>Words substituted in reg. 6(2)(a)(iii) by art. 159 of S.I. 2005/617 as from 1.4.05.

7. <sup>4</sup>◀

<sup>4</sup>Reg. 7 omitted by reg. 2 of S.I. 2009/2909 as from 4.12.09.

**<sup>5</sup>Prescription for the purposes of jurisdiction**

<sup>5</sup>Reg. 7A inserted by reg. 8(3) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

7A.—(1) The companies prescribed for the purposes of section 44(2A)(c) of the Act (non-resident parents not habitually resident in the United Kingdom but employed by prescribed companies) are companies which employ employees to work outside the United Kingdom but make calculations and payments arrangements in relations in relation to the earnings order may be made under section 31 of the Act in respect of the earnings of any such employee who is a liable person for the purposes of that section.

(2) The following bodies are prescribed for the purposes of section 44(2A)(d) of the Act (non-resident parents not habitually resident in the United Kingdom but employed by a prescribed body)—

- (a) a National Health Service Trust established by order made under section 5 of the National Health Service and Community Care Act 1990(b) (“the 1990 Act”) or under section 12A of the National Service (Scotland) Act 1978(c) (“the 1978 Act”);
- <sup>6</sup>(aa) an NHS foundation trust within the meaning of section 1(1) of the Health and Social Care (Community Health and Standards) Act 2003;<sup>◀</sup>
- <sup>7</sup>(ab) a clinical commissioning group established under section 14D of the National Health Service Act 2006;

<sup>6</sup>Reg. 7A(2)(aa) inserted by Sch. 1, para. 13 of S.I. 2004/696 as from 1.4.04.

<sup>7</sup>Reg. 7A(2)(ab)-(ae) inserted by art. 21(a) of S.I. 2013/235 as from 1.4.13.

---

(a) S.I. 1981/1687, to which there are amendments not relevant to these Regulations.  
 (b) 1990 c. 19. Section 5 was amended by paragraph 69 of Schedule 1 to Health Authorities Act 1995 (c. 17), by paragraph 65(2) of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c. 46) and by sections 13(1) and 14 of the Health Act 1999 (c. 8).  
 (c) 1978 c. 29. Section 12A was inserted by section 31 of the 1990 Act and amended by section 46(1) of the Health Act 1999.



## CHILD SUPPORT (MAINTENANCE ARRANGEMENTS AND JURISDICTION) REGULATIONS 1992

<sup>1</sup>Sub-para. (b) & (da) omitted by art. 21(b)-(c) of S.I. 2013/235 as from 1.4.13.

- (ac) the National Health Service Commissioning Board;
- (ad) the National Institute for Health and Care Excellence;
- (ae) the Health and Social Care Information Centre; ◀
- (b) ▶<sup>1</sup>◀
- (c) a Health Authority established by order under section 8 of the National Health Service Act 1977(a) (“the 1977 Act”);
- (d) a Special Health Authority established by order made under section 11 of the 1977 Act (b);
- (da) ▶<sup>1</sup>◀
- (e) a local authority, and for this purpose “local authority” means, in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly and, in relation to Wales, a county council or a county borough council and, in relation to Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994(c);
- (f) a Health and Social Service Trust established by order made under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(d);
- (g) a Health and Social Services Board established by order made under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(e) (“the 1972 Order”);
- (h) the Central Services Agency established by order made under Article 26 of the 1972 Order;
- (i) a Special Agency established by order made under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(f);
- (j) a Health Board constituted under section 2 of the 1978 Act; and
- (k) a Special Health Board constituted under section 2 of the 1978 Act. ◀
- ▶<sup>2</sup>(l) Healthcare Improvement Scotland constituted under section 10A of the 1978 Act. ◀

<sup>2</sup>Reg. 7A(2)(l) inserted by para. 19 of Sch. 2 to S.I. 2011/2581 as from 28.10.11.

<sup>3</sup>“Calculations” substituted for “assessments” & “non-resident parent” substituted for “absent parent” in reg. 8 by reg. 2(1) & (2) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

<sup>4</sup>Reg. 8(1)(aa) and 8(2)(aa) inserted by reg. 46 of S.I. 1993/913 as from 5.4.93.

<sup>5</sup>Reg. 8(c) substituted & words “is cancelled or” deleted in reg. 8(2)(aa) by reg. 9(a) & (b) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

**Maintenance ▶<sup>3</sup>Calculations◀ and maintenance orders made in error****8.—(1) Where—**

- (a) at the time that a maintenance ▶<sup>3</sup>calculation◀ with respect to a qualifying child was made a maintenance order was in force with respect to that child;
- ▶<sup>4</sup>(aa) the maintenance order has ceased to have effect by virtue of the provisions of regulation 3; ◀
- (b) the ▶<sup>3</sup>non-resident parent◀ has made payments of child support maintenance due under that ▶<sup>3</sup>calculation◀; and
- (c) ▶<sup>5</sup>the Secretary of State revises the decision as to the maintenance calculation under section 16 of the Act and decides that no child maintenance was payable on the grounds that the previous decision was made in error, ◀

the payments of child support maintenance shall be treated as payments under the maintenance order and that order shall be treated as having continued in force.

**(2) Where—**

- (a) at the time that a maintenance order with respect to a qualifying child was made a maintenance ▶<sup>3</sup>calculation◀ was in force with respect to that child;
- ▶<sup>4</sup>(aa) the maintenance ▶<sup>3</sup>calculation◀▶<sup>5</sup>◀ ceases to have effect; ◀

- 
- (a) Section 8 was substituted by section 1 of the Health Authorities Act 1995 and amended by paragraph 5 of Schedule 4 to the Health Act 1999.
  - (b) Section 11 was amended by paragraph 3 of Schedule 1 to the health Authorities Act 1995 and by paragraph 6 of Schedule 4 to the Health Act 1999.
  - (c) 1994 c. 39.
  - (d) S.I. 1991/194 (N.I. 1) Article 10 was amended by Article 3(8) of the Health and Personal Social Services (Northern Ireland) Order 1994 S.I. 1994/429 (N.I. 2).
  - (e) S.I. 1972/1265 (N.I. 14).
  - (f) S.I. 1990/247 (N.I. 3).

Regs. 8-8A

- (b) the <sup>1</sup>non-resident parent<sup>◀</sup> has made payments of maintenance due under that order; and
- (c) the maintenance order is revoked by the court on the grounds that it was made in error,

the payments under the maintenance order shall be treated as payments of child support maintenance and the maintenance <sup>2</sup>calculation<sup>◀</sup> shall be treated <sup>3</sup>◀ as not having ceased to have effect<sup>◀</sup>.

*For cases where the savings in reg. 10 of S.I. 2001/161 apply, the unamended reg. 8 is reproduced below:*

Maintenance assessments and maintenance orders made in error

8.—(1) Where—

- (a) at the time that a maintenance assessment with respect to a qualifying child was made a maintenance order was in force with respect to that child;
- ▶<sup>4</sup>(aa) the maintenance order has ceased to have effect by virtue of the provisions of regulation 3;◀
- (b) the absent parent has made payments of child support maintenance due under that assessment; and
- (c) ▶<sup>5</sup>the Secretary of State◀ cancels that assessment on the grounds that it was made in error,

the payments of child support maintenance shall be treated as payments under the maintenance order and that order shall be treated as having continued in force.

(2) Where—

- (a) at the time that a maintenance order with respect to a qualifying child was made a maintenance assessment was in force with respect to that child;
- ▶<sup>4</sup>(aa) the maintenance assessment is cancelled or ceases to have effect;◀
- (b) the absent parent has made payments of maintenance due under that order; and
- (c) the maintenance order is revoked by the court on the grounds that it was made in error,

the payments under the maintenance order shall be treated as payments of child support maintenance and the maintenance assessment shall be treated as not having been cancelled ▶<sup>6</sup>or, as the case may be, as not having ceased to have effect◀.

▶<sup>7</sup>Maintenance calculations and maintenance orders - payments

8A. Where—

- (a) a maintenance calculation has been made with respect to a qualifying child in response to an application made under section 4 or 7 of the Act(a);
- (b) at the time that maintenance calculation was made a maintenance order was in force with respect to that child;
- (c) the maintenance order has ceased to have effect by virtue of the provisions of regulation 3(b); and
- (d) the non-resident parent has made payments of maintenance due under that order after the date on which the maintenance calculation took effect ▶<sup>8</sup>◀(c),

<sup>1</sup>“Non-resident parent” substituted for “absent parent” in reg. 8(2)(b) by reg. 2(1) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

<sup>2</sup>“Calculation” substituted for “assessment” in reg. 8(2) by reg. 2(2) of S.I. 2000/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

<sup>3</sup>Words deleted in reg. 8(2) by reg. 9(3) of S.I. 2001/161 subject to savings in reg. 10. See reg. 1 of S.I. 2001/161 for relevant effective dates.

<sup>4</sup>Reg. 8(1)(aa) and 8(2)(aa) inserted by reg. 46 of S.I. 1993/913 as from 5.4.93.

<sup>5</sup>Words substituted in reg. 8(c) by art. 31 of S.I. 1999/1510 as from 1.6.99.

<sup>6</sup>Words in reg. 8(2) inserted by reg. 46 of S.I. 1993/913 as from 5.4.93.

<sup>7</sup>Reg. 8A inserted by reg. 2 of S.I. 2005/785. See reg. 1(2)(b) *ibid* at page 8915 for coming into force date.

<sup>8</sup>Words in reg. 8A(d) omitted by reg. 5(4) of S.I. 2012/2785. See reg. 1 of S.I. 2012/2785 for relevant effective dates.

(a) Sections 4 and 7 were amended by section 18 of the Child Support Act 1995, respectively by paragraphs 19 and 21 of Schedule 7 to the Social Security Act 1998 and by section 1(2) of, and paragraph 11 of Schedule 3 to, the 2000 Act. Section 4 was amended by section 2(2) and (3) of the 2000 Act.

(b) Regulation 3 was amended by S.I. 1995/1045, S.I. 1999/1510 (c. 43) and S.I. 2001/161.

(c) Regulation 26 was amended by S.I. 2002/1204.

## CHILD SUPPORT (MAINTENANCE ARRANGEMENTS AND JURISDICTION) REGULATIONS 1992

*For cases where the savings provision in reg. 1(4) & 11 of S.I. 2012/2785 apply, reg. 8A(d) is reproduced below.*

- (d) the non-resident parent has made payments of maintenance due under that order after the date on which the maintenance calculation took effect in accordance with regulation 26 of the maintenance calculation procedure Regulations(a)

the payments made under the maintenance order shall be treated as payments of child support maintenance.◀

<sup>1</sup>Reg. 9 added by reg. 14 of S.I. 1995/3261 as from 22.1.96.

►<sup>1</sup>**Cases in which application may be made under section 4 or 7 of the Act**

9. The provisions of section 4(10) or 7(10) of the Act(b) shall not apply to prevent an application being made under those sections after 22nd January 1996 where a decision has been made by the relevant court either that it has no power to vary or that it has no power to enforce a maintenance order in a particular case.◀

Signed by authority of the Secretary of State for Social Security.

26th October 1992

*Alistair Burt*  
Parliamentary Under-Secretary of State,  
Department of Social Security

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision as to the effect that making a maintenance assessment under the Child Support Act 1991 (“the Act”) has on a maintenance order or a maintenance agreement, the cancellation of a maintenance assessment where a child support officer no longer has jurisdiction to make an assessment under the provisions of section 44 of the Act (which imposes conditions as to habitual residence in the United Kingdom), and related matters.

Regulation 1 contains interpretation provisions.

Regulation 2 prescribes the repealed Affiliation Proceedings Act 1957 for the purposes of section 8(11) of the Act (definition of “maintenance order”) to cover orders which continue to have effect under the 1957 Act.

Regulations 3 and 4 provide for some prescribed orders and agreements ceasing to have effect where a maintenance assessment is made.

Regulation 5 provides, in certain cases where a maintenance assessment has been made, for a child support officer to notify the court. Regulation 6 provides, in certain cases where a maintenance order has been made, for the court to notify the Secretary of State.

Regulation 7 provides for the cancellation of a maintenance assessment where a child support officer no longer has jurisdiction to make an assessment by virtue of the provisions of section 44 of the Act.

Regulation 8 provides for treating payments of child support maintenance as payments under a maintenance order, and *vice versa*, where an error has been made.

(a) Regulation 26 was amended by S.I. 2002/1204.

(b) Sections 4(10) and 7(10) were inserted by section 18(7) of the Child Support Act 1995.