
STATUTORY INSTRUMENTS

1994 No. 227

**The Child Support (Miscellaneous Amendments
and Transitional Provisions) Regulations 1994**

PART IV

PROCEDURE ETC.

Interpretation

9. In this Part of these Regulations “the Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992⁽¹⁾.

Procedure

10.—(1) The provisions of Part III of these Regulations shall not apply to a case in which there is a maintenance assessment in force on the date they come into force unless the absent parent in relation to whom that assessment was made makes an application for a review of that assessment under section 17 of the Act.

(2) Such an application must be made not later than 3 months after the date when these Regulations come into force, but if an application is made after that period it may be accepted if the Secretary of State is satisfied that there is good reason for its being made late.

(3) Where a maintenance assessment is reviewed solely because of the coming into force of Part III of these Regulations the provisions of regulations 10(2) and 19 of the Procedure Regulations shall not apply in relation to that review but instead the child support officer shall notify to the relevant persons (as defined in regulation 1(2) of those Regulations) details of how the provisions of Part III of these Regulations have been applied in that case.

Reviews on change of circumstances

11.—(1) The provisions of the following paragraphs shall apply where there is a review of a previous assessment under section 17 of the Act (reviews on change of circumstances) at any time when the amount payable under that assessment is the transitional amount.

(2) Where the child support officer determines that, were a fresh assessment to be made as a result of the review, the amount payable under it (disregarding the provisions of Part III of these Regulations) (in this regulation called “the reviewed formula amount”) would be—

- (a) more than the formula amount, the amount of child support maintenance payable shall be the transitional amount plus the difference between the formula amount and the reviewed formula amount;
- (b) less than the formula amount but more than the transitional amount, the amount of child support maintenance payable shall be the transitional amount;

⁽¹⁾ S.I.1992/1813. The relevant amending instrument is S.I.1993/913.

(c) less than the transitional amount, the amount of child support maintenance payable shall be the reviewed formula amount.

(3) The child support officer shall, in determining the reviewed formula amount, apply the provisions of regulations 20 to 22 of the Procedure Regulations.

Reviews consequent on the amendments made by Part II

12.—(1) Where a child support officer reviews a maintenance assessment in consequence only of the amendments made by Part II of these Regulations he shall not make a fresh assessment if the difference between the amount of child support maintenance fixed by the assessment currently in force and the amount that would be fixed if a fresh assessment were to be made as a result of the review is less than £1.00 a week.

(2) For the purposes of regulation 17(2) (intervals between periodical reviews and notice of a periodical review) and 31 (effective date of maintenance assessments following a review under sections 16 to 19 of the Act) of the Procedure Regulations, a review such as is mentioned in paragraph (1) above shall be disregarded.

(3) Except in relation to the amendment made by regulation 4(8) above, notwithstanding anything in regulation 31 of the Procedure Regulations the effective date of a maintenance assessment such as is mentioned in paragraph (1) above shall be the date when these Regulations come into force.

Reviews consequent on the provisions of Part III

13. For the purposes of regulations 17(1) and 31 of the Procedure Regulations, a review made following an application under regulation 10 above shall be disregarded.

Notification

14. Regulations 17(4) to (7) and 19(1) and (2) of the Procedure Regulations shall not apply to a review such as is mentioned in regulations 12(1) and 13 above.