
STATUTORY INSTRUMENTS

1997 No. 291

Act of Sederunt (Child Care and Maintenance Rules) 1997

CHAPTER 6

APPLICATIONS UNDER THE SOCIAL SECURITY ADMINISTRATION ACT 1992

Interpretation

6.1 In this Chapter “the Act” means the Social Security Administration Act 1992 ^{M1} and, unless the context otherwise requires, expressions used in this Chapter which are also used in that Act shall have the meaning assigned to them by the Act.

Marginal Citations

M1 1992 c.5.

Applications under section 106 of the Act

6.2—(1) An application to the sheriff under section 106(1) of the Act (recovery of expenditure on benefit from person liable for maintenance) shall be by summary application.

(2) Where, in such an application, a sum is craved which represents or includes a personal allowance element, that element shall be identified in the application.

Transfer of rights under section 107 of the Act

6.3—(1) The sheriff clerk, on receiving notice from the Secretary of State of a transfer of rights to an order by virtue of section 107(3) or (8) of the Act, shall endorse on the interlocutor sheet a certificate in Form 74.

(2) Where, following a transfer by virtue of section 107(3) or (8) of the Act, the dependent parent or the Secretary of State requests an extract of the order originally granted, the sheriff clerk shall issue an extract with a certified copy of the latest certificate referred to in paragraph (1) endorsed on it.

Notice to Secretary of State under section 108(5) of the Act

6.4 The notice required to be given to the Secretary of State by the sheriff clerk under section 108(5) of the Act (notice of application to vary etc. a maintenance order), as read with regulation 3 of the Income Support (Liable Relatives) Regulations 1990 ^{M2}, shall—

- (a) be in writing;
- (b) specify any date assigned for the hearing of the application;
- (c) be accompanied by a copy of the application; and
- (d) be sent by recorded delivery post.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Act of Sederunt (Child Care and Maintenance Rules) 1997. 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](#)

Marginal Citations

M2 [S.I. 1990/1777](#).

Notice to Secretary of State of making of maintenance order

6.5 Where an order granted by the sheriff in favour of the Secretary of State under section 106(2) of the Act has been transferred to the dependent parent in accordance with section 107(3) of that Act and a maintenance order is subsequently granted by the sheriff in favour of the dependent relative, the sheriff clerk shall forthwith notify the Secretary of State in writing and by recorded delivery post of the granting of the maintenance order.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Act of Sederunt (Child Care and Maintenance Rules) 1997. 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 :

- Pt. 6 omitted by [S.S.I. 2013/172 para. 3\(29\)](#)

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):

- Pt. 7 heading substituted by [S.S.I. 2013/172 para. 3\(30\)](#)
- Pt. 8 substituted by [S.S.I. 2013/172 para. 3\(41\)](#)
- Pt. 8A inserted by [S.S.I. 2013/172 para. 3\(48\)](#)
- Pt. 8B inserted by [S.S.I. 2015/424 para. 3\(7\)](#)
- Pt. 9 heading substituted by [S.S.I. 2013/172 para. 3\(49\)](#)
- Pt. 10 heading substituted by [S.S.I. 2013/172 para. 3\(53\)](#)
- Pt. 10A inserted by [S.S.I. 2013/172 para. 3\(57\)](#)
- Pt. 11 inserted by [S.S.I. 2005/190 rule 2\(3\)](#)
- Pt. 11A inserted by [S.S.I. 2013/172 para. 3\(62\)](#)
- Chapter 2Pt. 6 substituted by [S.S.I. 2010/137 para. 2\(2\)](#)
- Ch. 1rule 1.06 inserted by [S.S.I. 2012/271 para. 4\(2\)](#)
- Ch. 2Pt. 4A inserted by [S.S.I. 2003/44 rule 6](#)
- Ch. 2 Pt. 2-5 revoked (with transitional provisions and savings) by [S.S.I. 2009/284 para. 4\(1\)\(b\)\(2\)-\(6\)](#)
- Ch. 3 heading substituted by [S.S.I. 2015/424 para. 3\(9\)](#)
- Ch. 3 title words substituted by [S.S.I. 2013/172 para. 3\(2\)](#)
- Ch. 5 Pt. 78 inserted by [S.S.I. 2011/386 para. 9\(8\)](#)
- Ch. 5Pt. 9 inserted by [S.S.I. 2014/201 rule 4\(5\)](#)
- Sch. 1 Form 43 Sch. 1 Form 42 renumbered as Sch. 1 Form 43 by [S.S.I. 2013/172 para. 4\(18\)\(a\)](#)
- Sch. 1 Form 42 Sch. 1 Form 43 renumbered as Sch. 1 Form 42 by [S.S.I. 2013/172 para. 4\(19\)\(a\)](#)
- Sch. 1 Form 11A inserted by [S.S.I. 2003/44 Sch.](#)
- Sch. 1 para. l-n inserted by [S.S.I. 2006/411 para. 2\(8\)\(a\)\(iii\)](#)
- Sch. 1 Form 76A76B inserted by [S.S.I. 2006/75 rule 2\(6\)\(a\)Sch.](#)
- Sch. 1 Form 73A inserted by [S.S.I. 2011/386 Sch. Pt. 2](#)
- Sch. 1 Form 73B inserted by [S.S.I. 2011/386 Sch. Pt. 2](#)
- Sch. 1 Form 73C inserted by [S.S.I. 2011/386 Sch. Pt. 2](#)
- Sch. 1 Form 32A inserted by [S.S.I. 2013/172 para. 4\(8\)Sch.](#)
- Sch. 1 Form 65A-65E inserted by [S.S.I. 2013/172 para. 4\(38\)Sch.](#)
- Sch. 1 Form 73D inserted by [S.S.I. 2014/201 rule 4\(6\)Sch.](#)
- Sch. 1 Form 73E inserted by [S.S.I. 2014/201 rule 4\(6\)Sch.](#)
- Sch. 1 Form 73F inserted by [S.S.I. 2014/201 rule 4\(6\)Sch.](#)
- Sch. 1 Form 64C64D inserted by [S.S.I. 2015/424 para. 3\(10\)\(a\)](#)
- Sch. 1 Form 75-80 inserted by Pt. 11 (as inserted) by [S.S.I. 2005/190 Sch.](#)
- Sch. 1 para. i omitted by [S.S.I. 2006/411 para. 2\(8\)\(a\)\(ii\)](#)
- Sch. 1 Form 69 omitted by [S.S.I. 2011/386 para. 9\(9\)\(a\)](#)
- Sch. 1 Form 30 revoked by [S.S.I. 2013/172 para. 4\(44\)\(a\)](#)
- Sch. 1 Form 38 revoked by [S.S.I. 2013/172 para. 4\(44\)\(b\)](#)
- Sch. 1 Form 59 revoked by [S.S.I. 2013/172 para. 4\(44\)\(c\)](#)
- Sch. 1 para. h substituted by [S.S.I. 2006/411 para. 2\(8\)\(a\)\(i\)](#)
- Sch. 1 Form 22-25 substituted by [S.S.I. 2010/137 para. 2\(3\)Sch.](#)

- Sch. 1 Form 60 substituted by S.S.I. 2013/172 para. 4(35)(a)Sch.
- Sch. 1 Form 61 substituted by S.S.I. 2013/172 para. 4(35)(b)Sch.
- Sch. 1 Form 62 substituted by S.S.I. 2013/172 para. 4(35)(c)Sch.
- Sch. 1 Form 80 title substituted by S.S.I. 2013/172 para. 4(43)
- Sch. 1 Form 44A44B substituted for Form 44 by S.S.I. 2013/172 para. 4(20)Sch.
- Sch. 1 Form 3131A31B substituted for Sch. 1 Form 31 by S.S.I. 2013/172 para. 4(6)Sch.
- Sch. 1 Form 6363A substituted for Sch. 1 Form 63 by S.S.I. 2013/172 para. 4(35)(d)Sch.
- Sch. 1 Form 6464A64B substituted for Sch. 1 Form 64 by S.S.I. 2013/172 para. 4(36)Sch.
- Sch. 1 Form 26 text amended by S.S.I. 2013/172 para. 4(2)
- Sch. 1 Form 27 text amended by S.S.I. 2013/172 para. 4(3)
- Sch. 1 Form 28 text amended by S.S.I. 2013/172 para. 4(4)
- Sch. 1 Form 29 text amended by S.S.I. 2013/172 para. 4(5)
- Sch. 1 Form 32 text amended by S.S.I. 2013/172 para. 4(7)
- Sch. 1 Form 33 text amended by S.S.I. 2013/172 para. 4(9)
- Sch. 1 Form 34 text amended by S.S.I. 2013/172 para. 4(10)
- Sch. 1 Form 35 text amended by S.S.I. 2013/172 para. 4(11)
- Sch. 1 Form 39 text amended by S.S.I. 2013/172 para. 4(14)
- Sch. 1 Form 39A text amended by S.S.I. 2013/172 para. 4(15)Sch.
- Sch. 1 Form 40 text amended by S.S.I. 2013/172 para. 4(16)
- Sch. 1 Form 41 text amended by S.S.I. 2013/172 para. 4(17)
- Sch. 1 Form 43 text amended by S.S.I. 2013/172 para. 4(18)(b)-(e)
- Sch. 1 Form 42 text amended by S.S.I. 2013/172 para. 4(19)(b)-(e)
- Sch. 1 Form 45 text amended by S.S.I. 2013/172 para. 4(21)
- Sch. 1 Form 46 text amended by S.S.I. 2013/172 para. 4(22)
- Sch. 1 Form 47 text amended by S.S.I. 2013/172 para. 4(23)
- Sch. 1 Form 48 text amended by S.S.I. 2013/172 para. 4(24)
- Sch. 1 Form 49 text amended by S.S.I. 2013/172 para. 4(25)
- Sch. 1 Form 50 text amended by S.S.I. 2013/172 para. 4(26)
- Sch. 1 Form 51 text amended by S.S.I. 2013/172 para. 4(27)
- Sch. 1 Form 52 text amended by S.S.I. 2013/172 para. 4(28)
- Sch. 1 Form 53 text amended by S.S.I. 2013/172 para. 4(29)
- Sch. 1 Form 54 text amended by S.S.I. 2013/172 para. 4(30)
- Sch. 1 Form 55 text amended by S.S.I. 2013/172 para. 4(31)
- Sch. 1 Form 56 text amended by S.S.I. 2013/172 para. 4(32)
- Sch. 1 Form 57 text amended by S.S.I. 2013/172 para. 4(33)
- Sch. 1 Form 58 text amended by S.S.I. 2013/172 para. 4(34)
- Sch. 1 Form 65 text amended by S.S.I. 2013/172 para. 4(37)
- Sch. 1 Form 79 text amended by S.S.I. 2013/172 para. 4(42)(b)-(e)
- Sch. 1 Form 75 word substituted by S.S.I. 2015/283 para. 4(2)
- Sch. 1 Form 75 words inserted by S.S.I. 2015/424 para. 3(10)(b)
- Sch. 1 Form 76A words inserted by S.S.I. 2015/424 para. 3(10)(c)
- Sch. 1 Form 77 words inserted by S.S.I. 2015/424 para. 3(10)(d)
- Sch. 1 Form 22 words inserted by S.S.I. 2019/147 para. 3(7)(a)(i)
- Sch. 1 Form 22 words inserted by S.S.I. 2019/147 para. 3(7)(a)(ii)
- Sch. 1 Form 22 words inserted by S.S.I. 2019/147 para. 3(7)(a)(iii)
- Sch. 1 Form 22 words inserted by S.S.I. 2019/147 para. 3(7)(a)(iv)
- Sch. 1 Form 23 words inserted by S.S.I. 2019/147 para. 3(7)(b)(i)
- Sch. 1 Form 23 words inserted by S.S.I. 2019/147 para. 3(7)(b)(ii)
- Sch. 1 Form 24 words inserted by S.S.I. 2019/147 para. 3(7)(c)(i)
- Sch. 1 Form 24 words inserted by S.S.I. 2019/147 para. 3(7)(c)(ii)
- Sch. 1 Form 24 words inserted by S.S.I. 2019/147 para. 3(7)(c)(iii)
- Sch. 1 Form 24 words inserted by S.S.I. 2019/147 para. 3(7)(c)(iv)
- Sch. 1 Form 70 words omitted by S.S.I. 2011/386 para. 9(9)(b)(ii)
- Sch. 1 Form 70 words omitted by S.S.I. 2011/386 para. 9(9)(b)(iii)
- Sch. 1 Form 71 words omitted by S.S.I. 2011/386 para. 9(9)(c)(i)

- Sch. 1 Form 71 words omitted by S.S.I. 2011/386 para. 9(9)(c)(ii)
- Sch. 1 Form 71 words omitted by S.S.I. 2011/386 para. 9(9)(c)(iii)
- Sch. 1 Form 72 words omitted by S.S.I. 2011/386 para. 9(9)(d)
- Sch. 1 Form 13 Heading words substituted by S.S.I. 2006/411 para. 2(8)(b)
- Sch. 1 Form 14 Heading words substituted by S.S.I. 2006/411 para. 2(8)(b)
- Sch. 1 Form 70 words substituted by S.S.I. 2011/386 para. 9(9)(b)(i)
- Sch. 1 Form 70 words substituted by S.S.I. 2011/386 para. 9(9)(b)(iv)
- Sch. 1 Form 71 words substituted by S.S.I. 2011/386 para. 9(9)(c)(iv)
- Sch. 1 Form 73 words substituted by S.S.I. 2011/386 para. 9(9)(e)
- Sch. 1 Form 22 words substituted by S.S.I. 2012/188 para. 13(2)
- Sch. 1 Form 56 words substituted by S.S.I. 2013/135 para. 5(2)
- Sch. 1 Form 36 words substituted by S.S.I. 2013/172 para. 4(12)
- Sch. 1 Form 37 words substituted by S.S.I. 2013/172 para. 4(13)
- Sch. 1 Form 75 words substituted by S.S.I. 2013/172 para. 4(39)
- Sch. 1 Form 76A words substituted by S.S.I. 2013/172 para. 4(40)
- Sch. 1 Form 77 words substituted by S.S.I. 2013/172 para. 4(41)
- Sch. 1 Form 79 words substituted by S.S.I. 2013/172 para. 4(42)(a)
- rule 3.69A-3.69C inserted by S.S.I. 2006/75 rule 2(3)
- rule 5.22A-5.22B inserted by S.S.I. 2009/29 para. 2(7)
- rule 5.17A inserted by S.S.I. 2009/29 para. 2(5)
- rule 3.05A inserted by S.S.I. 2013/172 para. 3(8)
- rule 3.46A inserted by S.S.I. 2013/172 para. 3(34)
- rule 3.61A inserted by S.S.I. 2013/172 para. 3(52)
- rule 3.81A inserted by S.S.I. 2013/172 para. 3(66)
- rule 3.61A omitted by S.S.I. 2015/419 para. 8(4)(c)
- rule 5.16A cross-heading words omitted by S.S.I. 2009/29 para. 2(3)
- rule 5.16A(1) words omitted by S.S.I. 2009/29 para. 2(4)
- rule 3.69B(1) words omitted by S.S.I. 2013/172 para. 3(63)(b)
- rule 1.5 inserted by S.S.I. 2007/468 rule 2(2)
- rule 1.02 words substituted by S.S.I. 2013/172 para. 2(2)
- rule 1.6(3)(a) word substituted by S.S.I. 2015/419 para. 8(2)(a)
- rule 1.6(3)(b) words substituted by S.S.I. 2015/419 para. 8(2)(b)
- rule 2.60 substituted by S.S.I. 2015/419 para. 8(3)
- rule 2.52(1) words inserted by S.S.I. 2019/147 para. 3(5)
- rule 2.51(1)(c) words inserted by S.S.I. 2019/147 para. 3(4)(a)(i)
- rule 2.51(1)(d) words substituted by S.S.I. 2019/147 para. 3(4)(a)(ii)
- rule 2.26(1A) inserted by S.S.I. 2006/411 para. 2(6)
- rule 2.52(2)(a) words substituted by S.S.I. 2010/279 para. 7(4)
- rule 2.51(2)(d) words inserted by S.S.I. 2019/147 para. 3(4)(b)
- rule 2.21(2)(fa)-(fd) inserted by S.S.I. 2006/411 para. 2(3)(a)(ii)
- rule 2.21(3)(r)-(t) substituted for rule 2.21(3)(r) by S.S.I. 2006/411 para. 2(3)(c)
- rule 2.21(3A) inserted by S.S.I. 2006/411 para. 2(3)(d)
- rule 2.49(4) words inserted by S.S.I. 2019/147 para. 3(3)
- rule 2.51(5)(b) words inserted by S.S.I. 2019/147 para. 3(4)(c)
- rule 2.21(6) inserted by S.S.I. 2006/411 para. 2(3)(e)
- rule 3.02 substituted by S.S.I. 2013/172 para. 3(4)
- rule 3.05 heading substituted by S.S.I. 2013/172 para. 3(7)(d)
- rule 3.09 heading substituted by S.S.I. 2013/172 para. 3(12)
- rule 3.66 substituted by S.S.I. 2015/424 para. 3(8)
- rule 3.033.03A substituted for rule 3.3 by S.S.I. 2013/172 para. 3(5)
- rule 3.73 word inserted by S.S.I. 2006/75 rule 2(5)
- rule 3.74 word inserted by S.S.I. 2006/75 rule 2(5)
- rule 3.65 words inserted by S.S.I. 2006/75 rule 2(2)
- rule 3.65 words omitted by S.S.I. 2013/172 para. 3(58)
- rule 3.66 words omitted by S.S.I. 2015/419 para. 8(4)(d)
- rule 3.06 words substituted by S.S.I. 2013/172 para. 3(9)(a)
- rule 3.06 words substituted by S.S.I. 2013/172 para. 3(9)(b)
- rule 3.66 words substituted by S.S.I. 2013/172 para. 3(59)

- rule 3.75 heading words substituted by S.S.I. 2013/172 para. 3(60)(c)
- rule 3.76 heading words substituted by S.S.I. 2013/172 para. 3(61)(c)
- rule 3.32(b)(c) substituted for rule 3.32(b) by S.S.I. 2013/172 para. 3(25)
- rule 3.08(f) inserted by S.S.I. 2013/172 para. 3(10)(b)
- rule 3.47(A1) inserted by S.S.I. 2013/172 para. 3(35)(a)
- rule 3.59(A1) inserted by S.S.I. 2013/172 para. 3(50)(a)
- rule 3.57(1) rule 3.57 renumbered as rule 3.57(1) by S.S.I. 2013/172 para. 3(46)(b)
- rule 3.45(1)-(1C) substituted for rule 3.45(1) by S.S.I. 2013/172 para. 3(32)(a)
- rule 3.53(1)-(1B) substituted for rule 3.53(1) by S.S.I. 2013/172 para. 3(42)(a)
- rule 3.55(1)(1A) substituted for rule 3.55(1) by S.S.I. 2013/172 para. 3(44)
- rule 3.75(1) word inserted by S.S.I. 2006/75 rule 2(5)
- rule 3.01(1) words inserted by S.S.I. 2013/172 para. 3(3)(a)(i)
- rule 3.01(1) words omitted by S.S.I. 2013/172 para. 3(3)(a)(ii)
- rule 3.68(1) words omitted by S.S.I. 2013/172 para. 3(63)(a)
- rule 3.71(1) words omitted by S.S.I. 2013/172 para. 3(63)(c)
- rule 3.78(1) words omitted by S.S.I. 2013/172 para. 3(63)(d)
- rule 3.05(1) words substituted by S.S.I. 2013/172 para. 3(7)(a)(i)
- rule 3.07(1) words substituted by S.S.I. 2013/172 para. 3(10)(a)
- rule 3.75(1) words substituted by S.S.I. 2013/172 para. 3(60)(a)
- rule 3.76(1) words substituted by S.S.I. 2013/172 para. 3(61)(a)
- rule 3.78(1) words substituted by S.S.I. 2013/172 para. 3(64)
- rule 3.79(1)(a) substituted by S.S.I. 2013/172 para. 3(65)(a)
- rule 3.05(1)(b) substituted by S.S.I. 2013/172 para. 3(7)(a)(ii)
- rule 3.04(1)(b) word substituted by S.S.I. 2013/172 para. 3(6)(a)
- rule 3.04(1)(e) omitted by S.S.I. 2013/172 para. 3(6)(b)
- rule 3.54(1)(f) inserted by S.S.I. 2013/172 para. 3(43)(a)(iv)
- rule 3.12(1)(f)(g) substituted for rule 3.12(1)(f) by S.S.I. 2013/172 para. 3(15)(a)(ii)
- rule 3.04(1)(f)-(h) substituted for rule 3.4(1)(f) by S.S.I. 2013/172 para. 3(6)(c)
- rule 3.57(2) inserted by S.S.I. 2013/172 para. 3(46)(c)
- rule 3.07(2) substituted by S.S.I. 2013/172 para. 3(10)(b)
- rule 3.01(2)-(4) substituted for rule 3.1(2) by S.S.I. 2013/172 para. 3(3)(b)
- rule 3.72(2) word substituted by S.S.I. 2006/75 rule 2(4)
- rule 3.75(2) words substituted by S.S.I. 2013/172 para. 3(60)(b)
- rule 3.76(2) words substituted by S.S.I. 2013/172 para. 3(61)(b)
- rule 3.59(2)(a)-(e) substituted for rule 3.59(2)(a)-(c) by S.S.I. 2013/172 para. 3(50)(c)(ii)
- rule 3.05(2)(c) word omitted by S.S.I. 2013/172 para. 3(7)(b)(ii)
- rule 3.05(2)(c) words omitted by S.S.I. 2013/172 para. 3(7)(b)(i)
- rule 3.51(2)(e) and word inserted by S.S.I. 2013/172 para. 3(39)(b)
- rule 3.13(2)(aa) inserted by S.S.I. 2015/424 para. 3(6)
- rule 3.05(2)(ca) inserted by S.S.I. 2013/172 para. 3(7)(c)
- rule 3.45(3)-(9) inserted by S.S.I. 2013/172 para. 3(32)(c)
- rule 3.2(3) inserted by S.S.I. 2015/424 para. 3(3)
- rule 3.63(3)(4) substituted for rule 3.63(3) by S.S.I. 2013/172 para. 3(55)(c)
- rule 3.1(3) words substituted by S.S.I. 2015/424 para. 3(2)(c)
- rule 3.53(4)-(6) inserted by S.S.I. 2013/172 para. 3(42)(c)
- rule 3.47(4)(4A) substituted for rule 3.47(4) by S.S.I. 2013/172 para. 3(35)(e)
- rule 3.58(5) inserted by S.S.I. 2013/172 para. 3(47)(d)
- rule 3.3A(1) substituted by S.S.I. 2015/424 para. 3(4)
- rule 5.2(6)(7) inserted by S.S.I. 2011/386 para. 9(3)
- rule 5.2(8) inserted by S.S.I. 2014/201 rule 4(3)
- Form 65A words substituted by S.S.I. 2014/201 rule 5(3)
- Form 77para. 6 substituted by S.S.I. 2006/75 rule 2(6)(b)(ii)
- Form 77para. 3 word substituted by S.S.I. 2006/75 rule 2(6)(b)(i)
- Form 78 word substituted by S.S.I. 2006/75 rule 2(6)(c)