
STATUTORY INSTRUMENTS

1999 No. 1047

**The Child Support (Miscellaneous
Amendments) (No. 2) Regulations 1999**

PART II

Amendment of the Departure Direction Regulations

Insertion of regulation 8A

38. After regulation 8 there shall be inserted the following regulation—

“Procedure in relation to determination of an application for a revision or a supersession of a decision with respect to a departure direction

8A.—(1) Subject to the modifications described in paragraph (2), regulation 8 shall apply to any application for a revision or a supersession of a decision with respect to a departure direction as it applies to an application for a departure direction.

(2) The modifications described in this paragraph are—

(a) for paragraph (1) there shall be substituted the following paragraphs—

“(1) Except where paragraph (1A) applies, the Secretary of State shall—

- (a) give notice of an application for a revision or a supersession of a decision with respect to a departure direction to the relevant persons other than the applicant;
- (b) inform them of the grounds on which the application has been made and any relevant information or evidence the applicant has given, except details, information or evidence falling within paragraph (2);
- (c) invite representations from the relevant persons other than the applicant on any matter relating to that application; and
- (d) explain the provisions of paragraphs (2), (5) and (6) in relation to such representations.

(1A) This paragraph applies where an application for a revision or a supersession has been made and the Secretary of State is satisfied on the information or evidence available to him that either—

- (a) a revision or supersession of a departure direction is unlikely to be made; or
 - (b) in a case where the applicant was the applicant for the decision which is to be revised or superseded, a ground on which the decision to be revised or superseded was made no longer applies.”;
- (b) paragraphs (3), (4) and (7) shall be omitted;

- (c) in paragraph (4A) for the words from “that a departure direction” to the words “in that case” there shall be substituted the words “that a decision revising or superseding a decision with respect to a departure direction was unlikely to be made, but on further consideration of the application he is minded to make such a decision”;
- (d) in paragraph (5)–
 - (i) for the words “(1), (6) or (7)” there shall be substituted the words “(1) or (6)”;
 - (ii) after the word “application” there shall be added the words “for a decision revising or superseding a decision”;
- (e) in paragraph (8)–
 - (i) for the words “In deciding whether to give a departure direction” there shall be substituted the words “Before deciding whether or not to make a decision revising or, as the case may be, superseding a decision as to a departure direction in consequence of an application for such a decision”; and
 - (ii) in sub-paragraph (a), for the words “by the applicant for that direction” there shall be substituted the words “in connection with the application”;
- (f) for paragraphs (9) and (10) there shall be substituted the following paragraph–

“(9) Where the Secretary of State has determined an application made for the purpose of revising or superseding a decision he shall, as soon as is reasonably practicable, notify the relevant persons of–

 - (a) that determination;
 - (b) the reasons for it; and
 - (c) where appropriate, the basis on which the amount of child support maintenance is to be fixed by any fresh assessment made in consequence of that determination.””