

[^{F1}SCHEDULE 3D

Regulation 7B

EFFECTIVE DATES FOR SUPERSESSION OF CHILD SUPPORT DECISIONS

Textual Amendments

- F1** Sch. 3D inserted (6.4.2009) by [Child Support \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/396\)](#), regs. 1, **4(16)** (with reg. 7)

[^{F2}1. This Schedule sets out the exceptions to the general rule in section 17(4) of the Child Support Act (that is the rule that a supersession decision takes effect from the beginning of the maintenance period in which it is made or, where applicable, the beginning of the maintenance period in which an application for a supersession is made).

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

Expected change

2. Where the ground for the supersession decision is that a relevant change of circumstances is expected to occur or that a ground for a variation is expected to occur, the decision takes effect from the beginning of the maintenance period in which that change or that ground is expected to occur.

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

Decision backdated to when the change occurred

3. Where the ground for the supersession decision is that a relevant change of circumstances of the following kind has occurred, the decision takes effect from the beginning of the maintenance period in which the change occurred—

- (a) a qualifying child dies or ceases to be a qualifying child;
- [^{F3}(aa) a relevant other child dies or ceases to be a relevant other child;]
- (b) the person with care ceases to be a person with care in relation to a qualifying child;
- (c) the person with care, the non-resident parent or a qualifying child ceases to be habitually resident in the United Kingdom; ^{F4}...
- (d) paragraph 4(2) of Schedule 1 to the Child Support Act (flat rate for a non-resident parent whose partner is a non-resident parent) begins or ceases to apply [^{F5}; or
- (e) the non-resident parent begins or ceases to receive a benefit mentioned in regulation 4(1) of the Maintenance Calculations and Special Cases Regulations (flat rate) or begins or ceases to be a person who receives, or whose partner receives, a benefit referred to in regulation 4(2) of those Regulations.]

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the *The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 3D.* (See end of Document for details)

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F3** Sch. 3D para. 3(aa) inserted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(i)**
- F4** Word in Sch. 3D para. 3(c) omitted (4.7.2011) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(ii)**
- F5** Sch. 3D para. 3(e) and word added (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(iii)**

[^{F6}**3A.** In paragraph 3, the reference to the day on which a person begins or ceases to receive a benefit is to the day on which entitlement to the benefit commences or ends, as the case may be.]

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F6** Sch. 3D para. 3A inserted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(b)**

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F3** Sch. 3D para. 3(aa) inserted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(i)**
- F4** Word in Sch. 3D para. 3(c) omitted (4.7.2011) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(ii)**
- F5** Sch. 3D para. 3(e) and word added (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(a)(iii)**
- F6** Sch. 3D para. 3A inserted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(b)**

Non-resident parent or partner on or off benefit

^{F7}**4.**

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F7** Sch. 3D para. 4 omitted (4.7.2011) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(c)**

New qualifying child

5. Paragraphs 6 and 7 apply where the ground for the supersession is that there is a new qualifying child in relation to the non-resident parent.

Textual Amendments

F2 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

6. Where there is a new qualifying child in relation to the same person with care—
- if the application is made by the non-resident parent, the decision takes effect from the beginning of the maintenance period in which the application is made; and
 - if the application is made by the person with care the decision takes effect from the beginning of the maintenance period in which notification of the application is given to the non-resident parent.

Textual Amendments

F2 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

7. Where there is a new qualifying child in relation to a different person with care and an application for a maintenance calculation has been made under section 4 or section 7 of the Child Support Act, the decision takes effect from the beginning of the maintenance period in which notification of the calculation is given to the non-resident parent.

Textual Amendments

F2 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

Series of changes waiting to be actioned

8. Where a decision is superseded on application and, in relation to that decision, a maintenance calculation is made to which paragraph 15 of Schedule 1 to the Child Support Act applies, the effective date of the calculation or calculations is the beginning of the maintenance period in which the change of circumstances to which the calculation relates occurred or is expected to occur and where it occurred before the date of the application for the supersession and was notified after that date, [^{F8}the beginning of the maintenance period in which that application was made].

Textual Amendments

F2 Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

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F8 Words in Sch. 3D para. 8 substituted (4.7.2011) by [The Child Support \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/1464\)](#), regs. 1(1), **2(4)(d)**

Own initiative decision

9. Unless paragraph 4 applies, where a decision is superseded in a case where the [F9Secretary of State] is required to give notice under regulation 7C, the decision takes effect from the first day of the maintenance period which includes the date which is 28 days after the date on which the [F9Secretary of State] has given notice (oral or written) to the relevant persons under that regulation.

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F9** Words in Sch. 3D para. 10 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(15)**

Supersession of tribunal decision made pending outcome of a related appeal

10. Where, in accordance with section 28ZB(5) of the Child Support Act (appeals involving issues that arise on appeal in other cases), the [F9Secretary of State] makes a decision superseding the decision of the First-tier Tribunal or the Upper Tribunal, the superseding decision takes effect from the beginning of the maintenance period following the date on which the decision of the First-tier Tribunal or, as the case may be, the Upper Tribunal would have taken effect had it been decided in accordance with the determination of the Upper Tribunal or the court in the appeal referred to in section 28ZB(1)(b).

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F9** Words in Sch. 3D para. 10 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(15)**

Supersession of tribunal decision made in error due to misrepresentation etc.

11. Where—

- (a) a decision made by [F10an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or of a Child Support Commissioner] is superseded on the ground that it was erroneous due to misrepresentation of, or that there was a failure to disclose, a material fact; and
- (b) the [F11Secretary of State] is satisfied that the decision was more advantageous to the person who misrepresented or failed to disclose that fact than it would otherwise have been but for that error,

the superseding decision takes effect from the date on which the decision of [F12an appeal tribunal, the First-tier Tribunal, the Upper Tribunal or a Child Support Commissioner (as the case may be)] took, or was to take, effect.

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**
- F10** Words in Sch. 3D para. 11(a) substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **4(6)(a)**
- F11** Words in Sch. 3D para. 11 substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 113(15)**
- F12** Words in Sch. 3D para. 11 substituted (14.5.2012 retrospective to 3.11.2008 in accordance with reg. 1(2)) by [The Social Security and Child Support \(Supersession of Appeal Decisions\) Regulations 2012 \(S.I. 2012/1267\)](#), regs. 1, **4(6)(b)**

Supersession of look alike case where law reinterpreted by the Upper Tribunal or a court

12. Any decision made under section 17 of the Child Support Act in consequence of a determination which is a relevant determination for the purposes of section 28ZC (cases of error) of that Act takes effect from the date of the relevant determination.]]

Textual Amendments

- F2** Sch. 3D omitted (10.12.2012 coming into force in accordance with reg. 1(4)) by virtue of [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), regs. 1(4), **6(8)**

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