
STATUTORY INSTRUMENTS

2001 No. 157

**The Child Support (Maintenance
Calculation Procedure) Regulations 2000**

**PART I
GENERAL**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Maintenance Calculation Procedure) Regulations 2000.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Child Support Act 1991;

“date of notification to the non-resident parent” means the date on which the non-resident parent is first given notice of a maintenance application;

“effective application” means as provided for in regulation 3;

“date of receipt” means the date on which the information or document is actually received;

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

“notice of a maintenance application” means notice by the Secretary of State under regulation 5(1) that an application for a maintenance calculation has been made, or treated as made, in relation to which the non-resident parent is named as a parent of the child to whom the application relates;

“Maintenance Calculations and Special Cases Regulations” means the Child Support (Maintenance Calculations and Special Cases) Regulations 2000⁽¹⁾;

“maintenance period” has the same meaning as in section 17(4A) of the Act⁽²⁾;

“relevant person” means—

- (a) a person with care;
- (b) a non-resident parent;
- (c) a parent who is treated as a non-resident parent under regulation 8 of the Maintenance Calculations and Special Cases Regulations;
- (d) where the application for a maintenance calculation is made by a child under section 7 of the Act, that child, in respect of whom a maintenance calculation has been applied for, or has been treated as applied for under section 6(3) of the Act, or is or has been in force.

(3) The provisions in Schedule 1 shall have effect to supplement the meaning of “child” in section 55 of the Act.

⁽¹⁾ [S.I. 2001/155](#).

⁽²⁾ Section 17(4A) was inserted by section 9 of the Child Support, Pensions and Social Security Act 2000.

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

(5) These Regulations shall come into force in relation to a particular case on the day on which the amendments to sections 5, 6, 12, 46, 51, 54 and 55 of the Act made by the Child Support, Pensions and Social Security Act 2000 come into force in relation to that type of case.

Documents

2. Except where otherwise stated, where—
- (a) any document is given or sent to the Secretary of State, that document shall be treated as having been so given or sent on the day that it is received by the Secretary of State; and
 - (b) any document is given or sent to any other person, that document shall, if sent by post to that person's last known or notified address, be treated as having been given or sent on the day that it is posted.

PART II

APPLICATIONS FOR A MAINTENANCE CALCULATION

Applications under section 4 or 7 of the Act

3.—(1) A person who applies for a maintenance calculation under section 4 or 7 of the Act need not normally do so in writing, but if the Secretary of State directs that the application be made in writing, the application shall be made either by completing and returning, in accordance with the Secretary of State's instructions, a form provided for that purpose, or in such other written form as the Secretary of State may accept as sufficient in the circumstances of any particular case.

(2) An application for a maintenance calculation is effective if it complies with paragraph (1) and, subject to paragraph (4), is made on the date it is received.

(3) Where an application for a maintenance calculation is not effective the Secretary of State may request the person making the application to provide such additional information or evidence as the Secretary of State may specify and, where the application was made on a form, the Secretary of State may request that the information or evidence be provided on a fresh form.

(4) Where the additional information or evidence requested is received by the Secretary of State within 14 days of the date of his request, or at a later date in circumstances where the Secretary of State is satisfied that the delay was unavoidable, he shall treat the application as made on the date on which the earlier or earliest application would have been treated as made had it been effective.

(5) Where the Secretary of State receives the additional information or evidence requested by him more than 14 days from the date of the request and in circumstances where he is not satisfied that the delay was unavoidable, the Secretary of State shall treat the application as made on the date of receipt of the information or evidence.

(6) Subject to paragraph (7), a person who has made an effective application may amend or withdraw the application at any time before a maintenance calculation is made and such amendment

or withdrawal need not be in writing unless, in any particular case, the Secretary of State requires it to be.

(7) No amendment made under paragraph (6) shall relate to any change of circumstances arising after the effective date of a maintenance calculation resulting from an effective application.

Multiple applications

4.—(1) The provisions of Schedule 2 shall apply in cases where there is more than one application for a maintenance calculation.

(2) The provisions of paragraphs 1, 2 and 3 of Schedule 2 relating to the treatment of two or more applications as a single application shall apply where no request is received for the Secretary of State to cease acting in relation to all but one of the applications.

(3) Where, under the provisions of paragraph 1, 2 or 3 of Schedule 2, two or more applications are to be treated as a single application, that application shall be treated as an application for a maintenance calculation to be made with respect to all of the qualifying children mentioned in the applications, and the effective date of that maintenance calculation shall be determined by reference to the earlier or earliest application.

Notice of an application for a maintenance calculation

5.—(1) Where an effective application has been made under section 4 or 7 of the Act, or is treated as made under section 6(3) of the Act, as the case may be, the Secretary of State shall as soon as is reasonably practicable notify, orally or in writing, the non-resident parent and any other relevant persons (other than the person who has made, or is treated as having made, the application) of that application and request such information as he may require to make the maintenance calculation in such form and manner as he may specify in the particular case.

(2) Where the person to whom notice is being given under paragraph (1) is a non-resident parent, that notice shall specify the effective date of the maintenance calculation if one is to be made, and the ability to make a default maintenance decision.

(3) Subject to paragraph (4), a person who has provided information under paragraph (1) may amend the information he has provided at any time before a maintenance calculation is made and such information need not be in writing unless, in any particular case, the Secretary of State requires it to be.

(4) No amendment under paragraph (3) shall relate to any change of circumstances arising after the effective date of any maintenance calculation made in response to the application in relation to which the information was requested.

Death of a qualifying child

6.—(1) Where the Secretary of State is informed of the death of a qualifying child with respect to whom an application for a maintenance calculation has been made or has been treated as made, he shall—

- (a) proceed with the application as if it had not been made with respect to that child if he has not yet made a maintenance calculation;
- (b) treat any maintenance calculation already made by him as not having been made if the relevant persons have not been notified of it and proceed with the application as if it had not been made with respect to that child.

(2) Where all of the qualifying children with respect to whom an application for a maintenance calculation has been made have died, and either the calculation has not been made or the relevant

persons have not been notified of it, the Secretary of State shall treat the application as not having been made.

PART III

DEFAULT MAINTENANCE DECISIONS

Default rate

7.—(1) Where the Secretary of State makes a default maintenance decision under section 12(1) of the Act (insufficient information to make a maintenance calculation or to make a decision under section 16 or 17 of the Act) the default rate is as set out in paragraph (2).

(2) The default rate for the purposes of section 12(5)(b) of the Act shall be—

£30 where there is one qualifying child of the non-resident parent;

£40 where there are two qualifying children of the non-resident parent;

£50 where there are three or more qualifying children of the non-resident parent,

apportioned, where the non-resident parent has more than one qualifying child and in relation to them there is more than one person with care, as provided in paragraph 6(2) of Part I of Schedule 1 to the Act.

(3) Subject to paragraph (4), where any apportionment made under this regulation results in a fraction of a penny that fraction shall be treated as a penny if it is either one half or exceeds one half, otherwise it shall be disregarded.

(4) If, in making the apportionment required by this regulation, the effect of the application of paragraph (3) would be such that the aggregate amount of child support maintenance payable by a non-resident parent would be different from the aggregate amount payable before any apportionment, the Secretary of State shall adjust that apportionment so as to eliminate that difference; and that adjustment shall be varied from time to time so as to secure that, taking one week with another and so far as is practicable, each person with care receives the amount which she would have received if no adjustment had been made under this paragraph.

PART IV

REDUCED BENEFIT DECISIONS

Interpretation of Part IV

8.—(1) For the purposes of this Part—

“applicable amount” is to be construed in accordance with Part IV of the Income Support Regulations and regulations 83 to 86 of the Jobseeker’s Allowance Regulations;

“benefit week”, in relation to income support has the same meaning as in the Income Support Regulations, and in relation to jobseeker’s allowance has the same meaning as in the Jobseeker’s Allowance Regulations;

“Income Support Regulations” means the Income Support (General) Regulations 1987(3);

“Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(4);

(3) S.I. 1987/1967.

(4) S.I. 1996/207.

“parent concerned” means the parent with respect to whom a reduced benefit decision is given;
“reduced benefit decision ” has the same meaning as in section 46(10)(b) of the Act; and
“relevant benefit” has the same meaning as in section 46(10)(c) of the Act.

(2) In this Part references to a reduced benefit decision as being “in operation”, “suspended” or “in force” shall be construed as follows—

- (a) a reduced benefit decision is “in operation” if, by virtue of that decision, relevant benefit is currently being reduced;
- (b) a reduced benefit decision is “suspended” if—
 - (i) after that decision has been given, relevant benefit ceases to be payable, or becomes payable at one of the rates indicated in regulation 14(4) or, as the case may be, regulation 15(4);
 - (ii) at the time the reduced benefit decision is given, relevant benefit is payable at one of the rates indicated in regulation 15(4) or, as the case may be, regulation 16(4), and these Regulations provide for relevant benefit payable from a later date to be reduced by virtue of the same reduced benefit decision; and
- (c) a reduced benefit decision is “in force” if it is either in operation or suspended and cognate terms shall be construed accordingly.

Period within which reasons are to be given

9. The period specified for the purposes of section 46(2) of the Act (for the parent to supply her reasons) is 4 weeks from the date on which the Secretary of State serves notice under that subsection.

Circumstances in which a reduced benefit decision shall not be given

10. The Secretary of State shall not give a reduced benefit decision where—
- (a) income support is paid to, or in respect of, the parent in question and the applicable amount of the claimant for income support includes one or more of the amounts set out in paragraph 15(3), (4) or (6) of Part IV of Schedule 2 to the Income Support Regulations(5); or
 - (b) an income-based jobseeker’s allowance is paid to, or in respect of, the parent in question and the applicable amount of the claimant for an income-based jobseeker’s allowance includes one or more of the amounts set out in paragraph 20(4), (5) or (7) of Schedule 1 to the Jobseeker’s Allowance Regulations(6).

Amount of and period of reduction of relevant benefit under a reduced benefit decision

11.—(1) The reduction in the amount payable by way of a relevant benefit to, or in respect of, the parent concerned and the period of such reduction by virtue of a reduced benefit decision shall be determined in accordance with paragraphs (2) to (8) below.

(2) Subject to paragraph (6) and regulations 12, 13, 14, and 15, there shall be a reduction for a period of 156 weeks from the day specified in the reduced benefit decision under the provisions of section 46(8) of the Act in respect of each such week equal to—

$$0.4 \times B$$

where

(5) Part IV of Schedule 2 was substituted by S.I. 2000/440.

(6) Paragraph 20 of Schedule 1 was substituted by S.I. 2000/440.

B is an amount equal to the weekly amount in relation to the week in question, specified in column (2) of paragraph 1(1) (e) of Schedule 2 to the Income Support Regulations.

(3) Subject to paragraph (4), a reduced benefit decision shall come into operation on the first day of the second benefit week following the date of the reduced benefit decision.

(4) Subject to paragraph (5), where a reduced benefit decision (“the subsequent decision”) is made on a day when a reduced benefit decision (“the earlier decision”) is in force in respect of the same parent, the subsequent decision shall come into operation on the day immediately following the day on which the earlier decision ceased to be in force.

(5) Where the relevant benefit is income support and the provisions of regulation 26(2) of the Social Security (Claims and Payments) Regulations 1987(7) (deferment of payment of different amount of income support) apply, a reduced benefit decision shall come into operation on such later date as may be determined by the Secretary of State in accordance with those provisions.

(6) Where the benefit payable is income support or an income-based jobseeker’s allowance and there is a change in the benefit week whilst a reduced benefit decision is in operation, the period of the reduction specified in paragraph (2) shall be a period greater than 155 weeks but less than 156 weeks and ending on the last day of the last benefit week falling entirely within the period of 156 weeks specified in that paragraph.

(7) Where the weekly amount specified in column (2) of paragraph 1(1)(e) of Schedule 2 to the Income Support Regulations changes on a day when a reduced benefit decision is in operation, the amount of the reduction of income support or income-based jobseeker’s allowance shall be changed from the first day of the first benefit week to commence for the parent concerned on or after the day that weekly amount changes.

(8) Only one reduced benefit decision in relation to a parent concerned shall be in force at any one time.

Modification of reduction under a reduced benefit decision to preserve minimum entitlement to relevant benefit

12. Where in respect of any benefit week the amount of the relevant benefit that would be payable after it has been reduced following a reduced benefit decision would, but for this regulation, be nil or less than the minimum amount of that benefit that is payable as determined—

- (a) in the case of income support, by regulation 26(4) of the Social Security (Claims and Payments) Regulations 1987;
- (b) in the case of an income-based jobseeker’s allowance, by regulation 87A of the Jobseeker’s Allowance Regulations(8),

the amount of that reduction shall be decreased to such extent as to raise the amount of that benefit to the minimum amount that is payable.

Suspension of a reduced benefit decision when relevant benefit ceases to be payable

13.—(1) Where relevant benefit ceases to be payable to, or in respect of, the parent concerned at a time when a reduced benefit decision is in operation, that reduced benefit decision shall, subject to paragraph (2), be suspended for a period of 52 weeks from the date the relevant benefit ceases to be payable.

(2) Where a reduced benefit decision has been suspended for a period of 52 weeks and no relevant benefit is payable at the end of that period, it shall cease to be in force.

(7) [S.I. 1987/1968](#); relevant amending instruments are [S.I. 1988/522](#), [1989/136](#) and [1999/3128](#).

(8) [S.I. 1996/207](#); regulation 87A was inserted by [S.I. 1996/1517](#).

(3) Where a reduced benefit decision is suspended and relevant benefit again becomes payable to, or in respect of, the parent concerned, the amount payable by way of that benefit shall, subject to regulations 14 and 15, be reduced in accordance with that reduced benefit decision for the balance of the reduction period.

(4) The amount or, as the case may be, the amounts of that reduction to be made during the balance of the reduction period shall be determined in accordance with regulation 11(2).

(5) No reduction in the amount of benefit under paragraph (3) shall be made before the expiry of a period of 14 days from service of the notice specified in paragraph (6), and the provisions of regulation 11(3) shall apply as to the date the reduced benefit decision again comes into operation.

(6) Where relevant benefit again becomes payable to, or in respect of, a parent with respect to whom a reduced benefit decision is suspended, she shall be notified in writing by the Secretary of State that the amount of relevant benefit paid to, or in respect of, her will again be reduced, in accordance with the provisions of paragraph (3), if she falls within section 46(1) of the Act.

Suspension of a reduced benefit decision when a modified applicable amount is payable (income support)

14.—(1) Where a reduced benefit decision is given or is in operation at a time when income support is payable to, or in respect of, the parent concerned but her applicable amount falls to be calculated under the provisions mentioned in paragraph (4), that decision shall be suspended for so long as her applicable amount falls to be calculated under the provisions mentioned in that paragraph, or 52 weeks, whichever period is the shorter.

(2) Where a reduced benefit decision is given or is in operation at a time when income support is payable to, or in respect of, the parent concerned, but her applicable amount includes a residential allowance under regulation 17 of, and paragraph 2A of Schedule 2 to, the Income Support Regulations⁽⁹⁾ (applicable amounts for persons in residential care and nursing homes), that decision shall be suspended for as long as her applicable amount includes a residential allowance under that regulation and Schedule 2, or 52 weeks, whichever period is the shorter.

(3) Where a case falls within paragraph (1) or (2) and a reduced benefit decision has been suspended for 52 weeks, it shall cease to be in force.

(4) The provisions of paragraph (1) shall apply where the applicable amount in relation to the parent concerned falls to be calculated under—

- (a) regulation 19 of, and Schedule 4 to, the Income Support Regulations (applicable amounts for persons in residential care and nursing homes)⁽¹⁰⁾;
- (b) regulation 21 of, and paragraphs 1 to 3 of Schedule 7 to, the Income Support Regulations (patients)⁽¹¹⁾;
- (c) regulation 21 of, and paragraphs 10B, 10C and 13 of Schedule 7 to, the Income Support Regulations (persons in local authority or residential accommodation)⁽¹²⁾.

(9) Regulation 17 was amended and paragraph 2A added by S.I. 1992/3147. Paragraph 2A was amended by S.I. 1993/518 and 1219, 1996/599, 1997/2197 and 2000/990.

(10) Regulation 19 was amended by S.I. 1988/663, 2022, 1989/1678, 1991/1033, 1992/3147, 1993/2119, 1994/527, 2139, 1996/206, 462. Schedule 4 was amended by S.I. 1988/663, 1445, 2022, 1989/1678, 1991/544, 1559, 1992/468, 1993/2119, 1997/2197 and 2000/440.

(11) Regulation 21 was amended by S.I. 1991/1033, 1656, 1992/2155, 3147, 1993/518, 2119, 1994/527, 1807, 2139, 1995/516, 1996/206, 2006, 2431, 2614, 1944, 1998/563, 2000/636, 979. Relevant amendments to Schedule 7 were made by S.I. 1990/547, 1996/1803, 1998/563 and 2000/440.

(12) Paragraph 10B was inserted by S.I. 1988/663 and amended by S.I. 1992/3147 and 2000/440. Paragraph 10C was inserted by S.I. 1988/2022 and amended by S.I. 1990/547, 1992/3147, 1996/599, 1803 and 2000/440.

Suspension of a reduced benefit decision when a modified applicable amount is payable (income-based jobseeker's allowance)

15.—(1) Where a reduced benefit decision is given or is in operation at a time when an income-based jobseeker's allowance is payable to, or in respect of, the parent concerned but her applicable amount falls to be calculated under the provisions mentioned in paragraph (4), that reduced benefit decision shall be suspended for so long as the applicable amount falls to be calculated under those provisions, or 52 weeks, whichever is the shorter.

(2) Where a reduced benefit decision is given or is in operation at a time when an income-based jobseeker's allowance is payable to, or in respect of, the parent concerned but her applicable amount includes a residential allowance under regulation 83(c) of, and paragraph 3 of Schedule 1 to, the Jobseeker's Allowance Regulations (persons in residential care or nursing homes)(**13**), that reduced benefit decision shall be suspended for so long as the applicable amount includes such a residential allowance, or 52 weeks, whichever is the shorter.

(3) Where a case falls within paragraph (1) or (2) and a reduced benefit decision has been suspended for 52 weeks, it shall cease to be in force.

(4) The provisions of paragraph (1) shall apply where the applicable amount in relation to the parent concerned falls to be calculated under—

- (a) regulation 85 of, and paragraph 1 or 2 of Schedule 5 to, the Jobseeker's Allowance Regulations (patients)(**14**);
- (b) regulation 85 of, and paragraphs 8, 9 or 15 of Schedule 5 to, the Jobseeker's Allowance Regulations (persons in local authority or residential accommodation)(**15**); or
- (c) regulation 86 of, and Schedule 4 to, the Jobseeker's Allowance Regulations (applicable amounts for persons in residential care and nursing homes)(**16**).

Termination of a reduced benefit decision

16. A reduced benefit decision shall cease to be in force—

- (a) where the parent concerned—
 - (i) withdraws her request under section 6(5) of the Act;
 - (ii) complies with her obligation under section 6(7) of the Act; or
 - (iii) consents to take a scientific test (within the meaning of section 27A of the Act);
- (b) where following written notice under section 46(6)(b) of the Act, the parent concerned responds to such notice and the Secretary of State considers there are reasonable grounds;
- (c) subject to regulation 13, where relevant benefit ceases to be payable to, or in respect of, the parent concerned; or
- (d) where a qualifying child with respect to whom a reduced benefit decision is in force applies for a maintenance calculation to be made with respect to him under section 7 of the Act and a calculation is made in response to that application in respect of all the qualifying children in relation to whom the parent concerned falls within section 46(1) of the Act.

(13) Paragraph 3 was amended by S.I. 1997/2197.

(14) Regulation 85 was amended by S.I. 1996/1516, 1538, 1997/454, 2000/636, 979 and paragraphs 1 and 2 were amended by S.I. 1996/1516 and 2000/440.

(15) Paragraphs 8 and 15 were amended by S.I. 1996/1516 and paragraph 9 was amended by S.I. 1996/1803.

(16) Schedule 4 was amended by S.I. 1996/1516, 1999/2860 and 2000/440.

Reduced benefit decisions where there is an additional qualifying child

17.—(1) Where a reduced benefit decision is in operation, or would be in operation but for the provisions of regulations 14 and 15, and the Secretary of State gives a further reduced benefit decision with respect to the same parent concerned in relation to an additional qualifying child of whom she is a parent with care, the earlier reduced benefit decision shall cease to be in force.

(2) Where a further reduced benefit decision comes into operation in a case falling within paragraph (1), the provisions of regulation 11 shall apply to it.

(3) Where—

(a) a reduced benefit decision (“the earlier decision”) has ceased to be in force by virtue of regulation 13(2); and

(b) the Secretary of State gives a further reduced benefit decision (“the further decision”) with respect to the same parent concerned where that parent falls within section 46(1) of the Act,

as long as the further decision remains in force, no additional reduced benefit decision shall be brought into force with respect to that parent in relation to one or more children to whom the earlier decision was given.

(4) Where a case falls within paragraph (1) or (3) and the further decision, but for the provisions of this paragraph, would cease to be in force by virtue of the provisions of regulation 16, but the earlier decision would not have ceased to be in force by virtue of the provisions of regulation 16, the further reduced benefit decision shall remain in force for a period calculated in accordance with regulation 11.

(5) In this regulation “additional qualifying child” means a qualifying child of whom the parent concerned is a parent with care and who was either not such a qualifying child at the time the earlier decision was given or had not been born at the time the earlier decision was given.

Suspension and termination of a reduced benefit decision where the sole qualifying child ceases to be a child or where the parent concerned ceases to be a person with care

18.—(1) Where a reduced benefit decision is in operation and—

(a) there is, in relation to that decision, only one qualifying child, and that child ceases to be a child within the meaning of the Act; or

(b) the parent concerned ceases to be a person with care,

the decision shall be suspended from the last day of the benefit week during the course of which the child ceases to be a child within the meaning of the Act, or the parent concerned ceases to be a person with care, as the case may be.

(2) Where, under the provisions of paragraph (1), a decision has been suspended for a period of 52 weeks and no relevant benefit is payable at that time, it shall cease to be in force.

(3) If during the period specified in paragraph (2) the former child again becomes a child within the meaning of the Act or the parent concerned again becomes a person with care and relevant benefit is payable to, or in respect of, that parent, a reduction in the amount of that benefit shall be made in accordance with the provisions of paragraphs (3) to (6) of regulation 13.

Notice of termination of a reduced benefit decision

19. Where a reduced benefit decision ceases to be in force under the provisions of regulation 16, 17 or 18 the Secretary of State shall serve notice of this on the parent concerned and shall specify the date on which the reduced benefit decision ceases to be in force.

Rounding provisions

20. Where any calculation made under this Part results in a fraction of a penny, that fraction shall be treated as a penny if it exceeds one half and shall otherwise be disregarded.

PART V

MISCELLANEOUS PROVISIONS

Persons who are not persons with care

21.—(1) For the purposes of the Act the following categories of person shall not be persons with care—

- (a) a local authority;
- (b) a person with whom a child who is looked after by a local authority is placed by that authority under the provisions of the Children Act 1989⁽¹⁷⁾, except where that person is a parent of such a child and the local authority allow the child to live with that parent under section 23(5) of that Act;
- (c) in Scotland, a family or relative with whom a child is placed by a local authority under the provisions of section 26 of the Children (Scotland) Act 1995⁽¹⁸⁾.

(2) In paragraph (1) above—

“family” means family other than such family defined in section 93(1) of the Children (Scotland) Act 1995;

“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⁽¹⁹⁾; and

“a child who is looked after by a local authority” has the same meaning as in section 22 of the Children Act 1989 or section 17(6) of the Children (Scotland) Act 1995 as the case may be.

Authorisation of representative

22.—(1) A person may authorise a representative, whether or not legally qualified, to receive notices and other documents on his behalf and to act on his behalf in relation to the making of applications and the supply of information under any provisions of the Act or these Regulations.

(2) Where a person has authorised a representative for the purposes of paragraph (1) who is not legally qualified, he shall confirm that authorisation in writing to the Secretary of State.

⁽¹⁷⁾ 1989 c. 41.

⁽¹⁸⁾ 1995 c. 36.

⁽¹⁹⁾ 1994 c. 39.

PART VI

NOTIFICATIONS FOLLOWING CERTAIN DECISIONS

Notification of a maintenance calculation

23.—(1) A notification of a maintenance calculation made under section 11 or 12(2) of the Act (interim maintenance decision) shall set out, in relation to the maintenance calculation in question—

- (a) the effective date of the maintenance calculation;
- (b) where relevant, the non-resident parent's net weekly income;
- (c) the number of qualifying children;
- (d) the number of relevant other children;
- (e) the weekly rate;
- (f) the amounts calculated in accordance with Part I of Schedule 1 to the Act and, where there has been agreement to a variation or a variation has otherwise been taken into account, the Child Support (Variations) Regulations 2000(20);
- (g) where the weekly rate is adjusted by apportionment or shared care, or both, the amount calculated in accordance with paragraph 6, 7 or 8, as the case may be, of Part I of Schedule 1 to the Act; and
- (h) where the amount of child support maintenance which the non-resident parent is liable to pay is decreased in accordance with regulation 9 or 11 of the Maintenance Calculations and Special Cases Regulations (care provided in part by local authority and non-resident parent liable to pay maintenance under a maintenance order), the adjustment calculated in accordance with that regulation.

(2) A notification of a maintenance calculation made under section 12(1) of the Act (default maintenance decision) shall set out the effective date of the maintenance calculation, the default rate, the number of qualifying children on which the rate is based, whether any apportionment has been applied under regulation 7 and shall state the nature of the information required to enable a decision under section 11 of the Act to be made by way of section 16 of the Act.

(3) Except where a person gives written permission to the Secretary of State that the information in relation to him, mentioned in sub-paragraphs (a) and (b) below, may be conveyed to other persons, any document given or sent under the provisions of paragraph (1) or (2) shall not contain—

- (a) the address of any person other than the recipient of the document in question (other than the address of the office of the officer concerned who is exercising functions of the Secretary of State under the Act) or any other information the use of which could reasonably be expected to lead to any such person being located;
- (b) any other information the use of which could reasonably be expected to lead to any person, other than a qualifying child or a relevant person, being identified.

(4) Where a decision as to a maintenance calculation is made under section 11 or 12 of the Act, a notification under paragraph (1) or (2) shall include information as to the provisions of sections 16, 17 and 20 of the Act.

Notification when an applicant under section 7 of the Act ceases to be a child

24. Where a maintenance calculation has been made in response to an application by a child under section 7 of the Act and that child ceases to be a child for the purposes of the Act, the Secretary of State shall immediately notify, so far as that is reasonably practicable—

- (a) the other qualifying children who have attained the age of 12 years and the non-resident parent with respect to whom that maintenance calculation was made; and
- (b) the person with care.

PART VII

EFFECTIVE DATES OF MAINTENANCE CALCULATIONS

Effective dates of maintenance calculations

25.—(1) Subject to regulations 26 to 29, where no maintenance calculation is in force with respect to the person with care or the non-resident parent, the effective date of a maintenance calculation following an application made under section 4 or 7 of the Act, or treated as made under section 6(3) of the Act, as the case may be, shall be the date determined in accordance with paragraphs (2) to (4) below.

(2) Where the application for a maintenance calculation is made under section 4 of the Act by a non-resident parent, the effective date of the maintenance calculation shall be the date that an effective application is made or treated as made under regulation 3.

- (3) Where the application for a maintenance calculation is—
- (a) made under section 4 of the Act by a person with care;
 - (b) treated as made under section 6(3) of the Act; or
 - (c) made by a child under section 7 of the Act,

the effective date of the maintenance calculation shall be the date of notification to the non-resident parent.

(4) For the purposes of this regulation, where the Secretary of State is satisfied that a non-resident parent has intentionally avoided receipt of a notice of a maintenance application he may determine the date of notification to the non-resident parent as the date on which the notification would have been given to him but for such avoidance.

(5) Where in relation to a decision made under section 11 of the Act a maintenance calculation is made to which paragraph 15 of Schedule 1 to the Act applies, the effective date of the calculation shall be the beginning of the maintenance period in which the change of circumstance to which the calculation relates occurred or is expected to occur.

Effective dates of maintenance calculations—maintenance order and application under section 4 or 7

26.—(1) This regulation applies, subject to regulation 28, where—

- (a) no maintenance calculation is in force with respect to the person with care or the non-resident parent;
- (b) an application for a maintenance calculation is made under section 4 or 7 of the Act; and
- (c) there is a maintenance order in force, made on or after the date prescribed for the purposes of section 4(10)(a) of the Act, in relation to the person with care and the non-resident parent and that order has been in force for at least one year prior to the date the application for a maintenance calculation is made.

(2) The effective date of the maintenance calculation shall be two months and two days after the application is made.

Effective dates of maintenance calculations—maintenance order and application under section 6

- 27.**—(1) This regulation applies, subject to regulation 28, where—
- (a) the circumstances set out in regulation 26(1)(a) apply;
 - (b) an application for a maintenance calculation is treated as made under section 6(3) of the Act; and
 - (c) there is a maintenance order in force in relation to the person with care and the non-resident parent.
- (2) The effective date of the maintenance calculation shall be 2 days after the maintenance calculation is made.

Effective dates of maintenance calculations—maintenance order ceases

- 28.** Where—
- (a) a maintenance calculation is made; and
 - (b) there was a maintenance order in force in relation to the person with care and the non-resident parent which ceased to have effect after the date on which the application for the maintenance calculation was made but before the effective date provided for in regulation 25 or 26 as the case may be,
- the effective date of the maintenance calculation shall be the day following that on which the maintenance order ceased to have effect.

Effective dates of maintenance calculations in specified cases

- 29.** Where an application for a maintenance calculation is made under section 4 or 7 of the Act, or treated as made under section 6(3) of the Act—
- (a) except where the parent with care has made a request under section 6(5) of the Act, where in the period of 8 weeks immediately preceding the date the application is made, or treated as made under regulation 3, there has been in force a maintenance calculation in respect of the same non-resident parent and child but a different person with care, the effective date of the maintenance calculation made in respect of the application shall be the day following the day on which the previous maintenance calculation ceased to have effect;
 - (b) where a maintenance calculation (“the existing calculation”) is in force with respect to the person who is the person with care in relation to the application but who is the non-resident parent in relation to the existing calculation, the effective date of the calculation shall be a date not later than 7 days after the date of notification to the non-resident parent which is the day on which a maintenance period in respect of the existing calculation begins.

PART VIII

REVOCATION, SAVINGS AND TRANSITIONAL PROVISIONS

Revocation and savings

- 30.**—(1) Subject to paragraph (2), the Child Support (Maintenance Assessment Procedure) Regulations 1992⁽²¹⁾ shall be revoked with respect to a particular case with effect from the date that these Regulations come into force with respect to that type of case (“the commencement date”).

(21) [S.I. 1992/1813](#).

(2) Subject to regulation 31(2), where before the commencement date in respect of a particular case—

- (a) an application was made and not determined for—
 - (i) a maintenance assessment;
 - (ii) a departure direction; or
 - (iii) a revision or supersession of a decision;
- (b) the Secretary of State had begun but not completed a revision or supersession of a decision on his own initiative;
- (c) any time limit provided for in Regulations for making an application for a revision or a departure direction had not expired; or
- (d) any appeal was made but not decided or any time limit for making an appeal had not expired,

the provisions of the Child Support (Maintenance Assessment Procedure) Regulations 1992 shall continue to apply for the purposes of—

- (aa) the decision on the application referred to in sub-paragraph (a);
- (bb) the revision or supersession referred to in sub-paragraph (b);
- (cc) the ability to apply for the revision or the departure direction referred to in sub-paragraph (c) and the decision whether to revise or to give a departure direction following any such application;
- (dd) any appeal outstanding or made during the time limit referred to in sub-paragraph (d); or
- (ee) any revision, supersession, appeal or application for a departure direction in relation to a decision, ability to apply or appeal referred to in sub-paragraphs (aa) to (dd) above.

(3) Where immediately before the commencement date in respect of a particular case an interim maintenance assessment was in force, the provisions of the Child Support (Maintenance Assessment Procedure) Regulations 1992 shall continue to apply for the purposes of the decision under section 17 of the Act to make a maintenance assessment calculated in accordance with Part I of Schedule 1 to the 1991 Act before its amendment by the 2000 Act and any revision, supersession or appeal in relation to that decision.

(4) Where after the commencement date a maintenance assessment is revised, cancelled or ceases to have effect from a date which is prior to the commencement date, the Child Support (Maintenance Assessment Procedure) Regulations 1992 shall apply for the purposes of that cancellation or cessation.

(5) Where under regulation 28(1) of the Child Support (Transitional Provisions) Regulations 2000⁽²²⁾ an application for a maintenance calculation is treated as an application for a maintenance assessment, the provisions of the Child Support (Maintenance Assessment Procedure) Regulations 1992 shall continue to apply for the purposes of the determination of the application and any revision, supersession or appeal in relation to any such assessment made.

(6) For the purposes of this regulation—

- (a) “departure direction”, “maintenance assessment” and “interim maintenance assessment” have the same meaning as in section 54 of the Act before its amendment by the 2000 Act;
- (b) “revision or supersession” means a revision or supersession of a decision under section 16 or 17 of the Act before their amendment by the 2000 Act;
- (c) “2000 Act” means the Child Support, Pensions and Social Security Act 2000.

(22) S.I. 2000/3186.

Transitional provision—effective dates and reduced benefit decisions

31.—(1) Where a maintenance assessment is in force with respect to a non-resident parent or a parent with care and an application for a maintenance calculation is made to which regulation 29 applies, that regulation shall apply as if references to a maintenance calculation in force were to a maintenance assessment in force.

(2) Where—

- (a) the application for a maintenance assessment was made before the date prescribed for the purposes of section 4(10)(a) of the Act; and
- (b) the effective date of the maintenance assessment, if it were a maintenance assessment to which the Assessment Procedure Regulations applied (“the assessment effective date”) would be later than the effective date provided for in these Regulations,

the application shall be treated as an application for a maintenance calculation and the effective date of that maintenance calculation shall be the assessment effective date.

(3) Paragraphs (4) to (7) shall apply where, on or before the commencement date, section 6 of the former Act applied to the parent with care.

(4) Where a maintenance assessment was made with an effective date, applying the Assessment Procedure Regulations, or the Maintenance Arrangements and Jurisdiction Regulations, which is before the prescribed date and on or after the commencement date the parent with care notifies the Secretary of State that she is withdrawing her authorisation under subsection (1) of that section, these Regulations shall apply as if the notification were a request not to act under section 6(5) of the Act.

(5) Where a maintenance assessment was not made because section 6(2) of the former Act applied, these Regulations shall apply as if section 6(5) of the Act applied.

(6) Where a maintenance assessment was not made, section 6(2) of the former Act did not apply and a reduced benefit direction was given under section 46(5) of the former Act, these Regulations shall apply as if the reduced benefit direction were a reduced benefit decision made under section 46(5) of the Act, from the same date and with the same effect as the reduced benefit direction.

(7) Where a maintenance assessment was not made, the parent with care failed to comply with a requirement imposed on her under section 6(1) of the former Act and the Secretary of State was in the process of serving a notice or considering reasons given by the parent with care under section 46(2) or (3) of the former Act, these Regulations shall apply as if the Secretary of State was in the process of serving a notice or considering reasons under section 46(2) or (3) of the Act.

(8) For the purposes of this regulation—

- (a) “2000 Act” means the Child Support, Pensions and Social Security Act 2000;
- “Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992(23);
- “commencement date” means with respect to a particular case the date these Regulations come into force with respect to that type of case;
- “former Act” means the Act before its amendment by the 2000 Act;
- “Maintenance Arrangements and Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(24);
- “maintenance assessment” has the meaning given in the former Act; and
- “prescribed date” means the date prescribed for the purposes of section 4(10)(a) of the Act;

(23) S.I. 1992/1813.

(24) S.I. 1992/2645.

- (b) references in paragraphs (4) to (7) to sections 6(5), 46(5) and 46(2) and (3) of the Act mean those provisions as substituted by the 2000 Act; and
- (c) in the application of the Assessment Procedure Regulations for the purposes of paragraph (4) where, on or after the prescribed date, no maintenance enquiry form, as defined in those Regulations, is given or sent to the absent parent, the Regulations shall be applied as if references in regulation 30—
 - (i) to the date when the maintenance enquiry form was given or sent to the absent parent were to the date of notification to the non-resident parent;
 - (ii) to the return by the absent parent of the maintenance enquiry form containing his name, address and written confirmation that he is the parent of the child or children in respect of whom the application was made were to the provision of this information by the non-resident parent; and
- (d) in the application of the Maintenance Arrangements and Jurisdiction Regulations for the purposes of paragraph (4), where, on or after the prescribed date no maintenance enquiry form, as defined in the Assessment Procedure Regulations, is given or sent to the absent parent, regulation 3(8) shall be applied as if the reference to the date when the maintenance enquiry form was given or sent were a reference to the date of notification to the non-resident parent.

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

18th January 2001

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security