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STATUTORY INSTRUMENTS

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**2011 No. 1464**

**The Child Support (Miscellaneous Amendments) Regulations 2011**

**Amendment of the Maintenance Assessment Procedure Regulations**

- 3.—(1) The Maintenance Assessment Procedure Regulations are amended as follows.
- (2) For regulation 17(6) (revision of decisions)(1), substitute—
- “(6) Paragraph (1) shall not apply in respect of a material change of circumstances which—
- (a) occurred since the date on which the decision was made; or
- (b) is expected, according to information or evidence which the Commission has, to occur.”.
- (3) In regulation 21(5) (circumstances in which a decision may not be superseded)(2)—
- (a) omit “or” at the end of sub-paragraph (b); and
- (b) after sub-paragraph (c) add—
- “; or
- (d) a decision is superseded and in relation to that superseding decision a maintenance assessment is made to which paragraph 15 of Schedule 1 to the Act applies.”.
- (4) In regulation 23 (date from which a decision is superseded)(3)—
- (a) for paragraph (2), substitute—
- “(2) Where a superseding decision is made in a case to which regulation 20(2)(a) applies and—
- (a) the absent parent begins or ceases to receive a benefit mentioned in Schedule 4 to the Maintenance Assessments and Special Cases Regulations (case where child support maintenance is not to be payable); or
- (b) the absent parent or person with care begins or ceases to be a person who receives a benefit referred to in paragraph 5(4) of Schedule 1 to the Act (assessable income),
- the decision takes effect from the first day of the maintenance period in which the change occurred.”;
- (b) for paragraph (19), substitute—
- “(19) Where a superseding decision is made in a case to which regulation 20(2)(a) or (3) applies and the material circumstance is—

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(1) Regulation 17 was substituted by [S.I. 1999/1047](#) and revoked with savings by [2001/157](#) (as amended by [S.I. 2003/328](#) and [347](#) and [2004/2415](#)). The relevant amending instruments are [S.I. 2000/1596](#), [2003/328](#) and [347](#), [2004/2415](#) and [2008/2543](#).

(2) Regulation 21 was substituted by [S.I. 1999/1047](#) and revoked with savings by [2001/157](#) (as amended by [S.I. 2003/328](#) and [347](#) and [2004/2415](#)).

(3) Regulation 23 was substituted by [S.I. 1999/1047](#) and revoked with savings by [2001/157](#) (as amended by [S.I. 2003/328](#) and [347](#) and [2004/2415](#)). The relevant amending instruments are [S.I. 2000/1596](#), [2003/1050](#), [2005/785](#), [2008/2543](#) and [2683](#) and [2009/2909](#).

- (a) a qualifying child dies or ceases to be a qualifying child; or
- (b) a relevant child dies or ceases to be a relevant child,

the decision shall take effect as from the first day of the maintenance period in which the change occurred.”;

- (c) after paragraph (21A), insert—

“(21B) Where—

- (a) a superseding decision is made in a case to which regulation 20(3) applies; and
- (b) in relation to that decision, a maintenance assessment is made to which paragraph 15 of Schedule 1 to the Act applies,

the effective date of the assessment or assessments is the first day of the maintenance period in which the change of circumstances to which the assessment 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, the first day of the maintenance period in which that application was made.”; and

- (d) after paragraph (22), add—

“(23) The reference in paragraph (2) to when an absent parent 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.

(24) In paragraph (19), “relevant child” has the same meaning as in regulation 1(2) of the Maintenance Assessments and Special Cases Regulations.”.