
DRAFT STATUTORY INSTRUMENTS

2000 No.

**The Child Support (Maintenance Calculations
and Special Cases) Regulations 2000**

PART IV

REVOCATION AND SAVINGS

Revocation and savings

15.—(1) Subject to paragraphs (2), (3) and (4), the Child Support (Maintenance Assessments and Special Cases) Regulations 1992⁽¹⁾ (“the 1992 Regulations”) 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”).

(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 1992 Regulations 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 1992 Regulations 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 Act before its amendment by the 2000 Act and any revision, supersession or appeal in relation to that decision.

(4) Where under regulation 28(1) of the Child Support (Transitional Provisions) Regulation 2000⁽²⁾ an application for a maintenance calculation is treated as an application for a maintenance assessment, the provisions of the 1992 Regulations 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.

(5) Where after the commencement date a maintenance assessment is revised from a date which is prior to the commencement date the 1992 Regulations shall apply for the purposes of that revision.

(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; and
- (c) “2000 Act” means the Child Support, Pensions and Social Security Act 2000.

(2) S.I. 2000/3186.