



Child Support Act 1995

1995 CHAPTER 34

Miscellaneous

18 Deferral of right to apply for maintenance assessment.

- (1) In section 4 of the 1991 Act (right of person with care or absent parent to apply for maintenance assessment), insert at the end—

“(10) No application may be made at any time under this section with respect to a qualifying child or any qualifying children if—

- (a) there is in force a written maintenance agreement made before 5th April 1993, or a maintenance order, in respect of that child or those children and the person who is, at that time, the absent parent; or
- (b) benefit is being paid to, or in respect of, a parent with care of that child or those children.

(11) In subsection (10) “benefit” means any benefit which is mentioned in, or prescribed by regulations under, section 6(1).”

- (2) In section 7 of the 1991 Act (right of child in Scotland to apply for maintenance assessment), insert at the end—

“(10) No application may be made at any time under this section by a qualifying child if there is in force a written maintenance agreement made before 5th April 1993, or a maintenance order, in respect of that child and the person who is, at that time, the absent parent.”

- [^{F1}(3) In section 8 of the 1991 Act (role of the courts with respect to maintenance for children), after subsection (3) insert—

“(3A) In any case in which section 4(10) or 7(10) prevents the making of an application for a maintenance assessment, and—

- (a) no application has been made for a maintenance assessment under section 6, or
- (b) such an application has been made but no maintenance assessment has been made in response to it,

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subsection (3) shall have effect with the omission of the word “vary”.”]

- (4) In section 9 of the 1991 Act (maintenance agreements), at the beginning of subsection (3) insert “ Subject to section 4(10)(a) and section 7(10), ” and after subsection (5) insert—

“(6) In any case in which section 4(10) or 7(10) prevents the making of an application for a maintenance assessment, and—

- (a) no application has been made for a maintenance assessment under section 6, or
- (b) such an application has been made but no maintenance assessment has been made in response to it,

subsection (5) shall have effect with the omission of paragraph (b).”

[^{F1}(5) The Secretary of State may by order repeal any of the provisions of this section.]

- (6) Neither section 4(10) nor section 7(10) of the 1991 Act shall apply in relation to a maintenance order made in the circumstances mentioned in subsection (7) or (8) of section 8 of the 1991 Act.
- (7) The Secretary of State may by regulations make provision for section 4(10), or section 7(10), of the 1991 Act not to apply in relation to such other cases as may be prescribed.
- (8) Part I of the Schedule to the ^{M1}Child Support Act 1991 (Commencement No.3 and Transitional Provisions) Order 1992 (phased take-on of certain cases) is hereby revoked.
- (9) At any time before 7th April 1997, neither section 8(3), nor section 9(5)(b), of the 1991 Act shall apply in relation to any case which fell within paragraph 5(2) of the Schedule to the 1992 order (pending cases during the transitional period set by that order).

Textual Amendments

F1 S. 18(3)(5) repealed (3.3.2003 for certain purposes) by 2000 c. 19, ss. 26, 85, 86(1)(e)(2), Sch. 3 para. 13(2), Sch. 9 Pt. I (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

Marginal Citations

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