STATUTORY INSTRUMENTS

1992 No. 1813

FAMILY LAW

CHILD SUPPORT

The Child Support (Maintenance Assessment Procedure) Regulations 1992

Made - - - - 20th July 1992 Coming into force 5th April 1993

THE CHILD SUPPORT (MAINTENANCE ASSESSMENT PROCEDURE) REGULATIONS 1992

PART I

GENERAL

1. Citation, commencement and interpretation

PART II

APPLICATIONS FOR A MAINTENANCE ASSESSMENT

- 2. Applications under section 4 ... or 7 of the Act
- 3. Applications on the termination of a maintenance assessment
- 4. Multiple applications
- 5. Notice to other persons of an application for a maintenance assessment
- 6. Response to notification of an application for a maintenance assessment
- 7. Death of a qualifying child

PART III

INTERIM MAINTENANCE ASSESSMENTS

- 8. Categories of interim maintenance assessment
- 8A Amount of an interim maintenance assessment
- 8B Review of an interim maintenance assessment
- 8C Effective date of an interim maintenance assessment
- 8D Miscellaneous provisions in relation to interim maintenance assessments
- 9. Interim maintenance assessments which follow other interim maintenance assessments

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Maintenance Assessment Procedure) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART IV

NOTIFICATIONS FOLLOWING CERTAIN DECISIONS BY CHILD SUPPORT OFFICERS

- 10. Notification of a new or a fresh maintenance assessment
- 10A Notification of increase or reduction in the amount of a maintenance assessment
- 11. Notification of a refusal to conduct a review
- 12. Notification of a refusal to make a new or a fresh maintenance assessment
- 13. Notification of a refusal to cancel a maintenance assessment
- 14. Notification of a cancellation of a maintenance assessment
- 15. Notification of a refusal to reinstate a cancelled maintenance assessment
- 15A Notification of reinstatement of a maintenance assessment
- 16. Notification when an applicant under section 7 of the Act ceases to be a child
- 16A Notification that an appeal has lapsed

PART V

Revisions and Supersessions

- 17. Revision of decisions
- 17A Consideration of revision before appeal
 - 18. Late applications for a revision
- 19. Date from which revised decision takes effect
- 20. Supersession of decisions
- 21. Circumstances in which a decision may not be superseded
- 22. Special cases and circumstances for which regulation 21 is modified
- 23. Date from which a decision is superseded
- 24. Procedure where the Secretary of State proposes to supersede a decision on his own initiative

Part VI

REVIEWS ON A CHANGE OF CIRCUMSTANCES

REVIEWS ON A CHANGE OF CIRCUMSTANCES

Part VII

REVIEWS OF A DECISION BY A CHILD SUPPORT OFFICER

- 25. Notice of a review of a decision by a child support officer
- 26. Procedure on a review of a decision by a child support officer
- 27. Review following an application under section 18(1)(b) of the Act
- 28. Reviews conducted under section 19 of the Act as if a review under section 18(1)(b) of the Act had been applied for
- 29. Extension of provisions of section 18(2) of the Act...

PART VIII

COMMENCEMENT AND TERMINATION OF MAINTENANCE ASSESS-MENTS AND MAINTENANCE PERIODS

- 30. Effective dates of new maintenance assessments
- 30A Effective dates of new maintenance assessments in particular cases

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Maintenance Assessment Procedure) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 31. Effective dates of maintenance assessments following a review under sections 16 to 19 of the Act
- 31A Effective dates of maintenance assessments following a review under section 18 of the Act
- 31B Effective dates of maintenance assessments following a review under section 19 of the Act
- 31C Provisions as to effective dates of maintenance assessments in specific cases
- 32. Cancellation of a maintenance assessment
- 32A Cancellation of maintenance assessments made under section 7 of the Act where the child is no longer habitually resident in Scotland
- Notification of intention to cancel a maintenance assessment under paragraph 16(4A) of Schedule 1 to the Act
- 33. Maintenance periods

PART IX

REDUCED BENEFIT DIRECTIONS

- 34. Prescription of disability working allowance for the purposes of section 6 of the Act
- 35. Periods for compliance with obligations imposed by section 6 of the Act
- 36. Amount of and period of reduction of relevant benefit under a reduced benefit direction
- 37. Modification of reduction under a reduced benefit direction to preserve minimum entitlement to relevant benefit
- 38. Suspension of a reduced benefit direction when relevant benefit ceases to be payable
- 39. Reduced benefit direction where family credit or disability working allowance is payable and income support becomes payable
- 40. Suspension of a reduced benefit direction when a modified applicable amount is payable
- 41. Termination of a reduced benefit direction following compliance with obligations imposed by section 6 of the Act
- 42. Review of a reduced benefit direction
- 43. Termination of a reduced benefit direction where a maintenance assessment is made following an application by a child under section 7 of the Act
- 44. Termination of a reduced benefit direction where a maintenance assessment is made following an absent parent under section 4 of the Act
- 45. Date from which a reduced benefit direction ceases to be in force following a termination under regulation 43 or 44
- 46. Cancellation of a reduced benefit direction in cases of error
- 47. Reduced benefit directions where there is an additional qualifying child
- 48. Suspension and termination of a reduced benefit direction where the sole qualifying child ceases to be a child or where the parent concerned ceases to be a person with care
- 49. Notice of termination of a reduced benefit direction
- 50. Rounding provisions

PART X

MISCELLANEOUS PROVISIONS

- 51. Persons who are not persons with care
- 52. Terminations of maintenance assessments

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Maintenance Assessment Procedure) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 53. Authorisation of representative
- 53A Correction of accidental errors
- 54. Correction of accidental errors in decisions
- 55. Setting aside of decisions on certain grounds
- 56. Provisions common to regulations 54 and 55
- 57. Action by the Secretary of State on receipt of an application under section 17 or 18 of the Act where a question as to the entitlement to benefit arises

Signature

SCHEDULE 1 — MEANING OF "CHILD" FOR THE PURPOSES OF THE ACT

- 1. Conditions prescribed for the purposes of section 55(1)
- 1A Period for which a person is to be treated as continuing to fall within section 55(1) of the Act
- 2. Meaning of "advanced education" for the purposes of section 55 of the Act
- 3. Circumstances in which education is to be treated as full-time education
- 4. Interruption of full-time education
- 5. Circumstances in which a person who has ceased to receive full-time education is to be treated as continuing to fall within section 55(1) of the Act
- 6. Interpretation
- 7. Education otherwise than at a recognised educational establishment
- 8. Person in respect of whom child benefit is payable

SCHEDULE 2 — MULTIPLE APPLICATIONS

- 1. No maintenance assessment in force: more than one application for a maintenance assessment by the same person under section 4 or 6 or under sections 4 and 6 of the Act
- 2. No maintenance assessment in force: more than one application by a child under section 7 of the Act
- 3. No maintenance assessment in force: applications by different persons for a maintenance assessment
- 4. Maintenance assessment in force: subsequent application for a maintenance assessment with respect to the same persons
- 5. Maintenance assessment in force: subsequent application for a maintenance assessment under section 6 of the Act
- 6. Maintenance assessment in force: subsequent application for a maintenance assessment in respect of additional children

Explanatory Note

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Maintenance Assessment Procedure) Regulations 1992. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

```
Changes and effects yet to be applied to:
     Sch.1 para.4 amended by S.I. 1999/1047 reg.32
     Sch. 1 para. 6 words substituted by S.I. 1999/977 reg. 5
     Sch. 1 para. 4(2)(a) words substituted by S.I. 1999/977 reg. 5
     Sch.2 para.3 amended by S.I. 1999/1047 reg.33(a)
     Sch.2 para.4 revoked by S.I. 1999/1047 reg.33(b)
     Regulations modified by S.I. 1999/779 art. 2Sch.
     Regulations revoked in part by S.I. 2001/157 reg. 30(1)
     reg.SC rev.in pt. and amended by S.I. 1999/1047 reg 8
     reg.SD rev.in pt. and amended by S.I. 1999/1047 reg 9
     reg.1 defn(s). added by S.I. 1999/1047 reg 2(a)
     reg.1 amended by S.I. 1999/1047 reg.2(b)
     reg.1 OA amended by S.I. 1999/1047 reg.12
     reg.1 defn(s), amended by S.I. 2000/1596 reg.6
     reg.2 amended by S.I. 2000/897 reg.16(5). Sch.6, para. 8(a)
     reg.2 defn(s). substituted by S.I. 2000/897 reg 16(5)Sch.6 para.8(b)
     reg.3 amended by S.I. 1999/1047 reg.3
     reg.7 amended by S.I. 1999/1047 reg 4
     reg.8 am. and rev.in pt. by S.I. 1999/1047 reg.5
     reg.8A amended by S.I. 1999/1047 reg.6
     reg.8B revoked by S.I. 1999/1047 reg.7
     reg. 10 am. and rev.in pt. by S.I. 1999/1047 reg.11
     reg.10(1)(a) amended by S.I. 1998/2799 reg.2(2)(d)(i)
     reg. 10(1)(a)(b) substituted by S.I. 1996/2907 reg. 67(2)
     reg.10(1A)(1B)(1C) added by S.I. 1998/2799 reg.2(2)(d)(ii)
     reg. 10(2) excl. by S.I. 1994/227 reg. 10(3)
     reg. 10(2)(i) added by S.I. 1996/2907 reg. 67(3)
     reg.10(2A) amended by S.I. 1998/2799 reg.2(2)(d)(iii)
     reg. 10(2B)(a)-(c) substituted for reg. 10(2B)(a)(b) by S.I. 1996/2907 reg. 67(5)
     reg. 10(2AA) added by S.I. 1996/2907 reg. 67(4)
     reg.10(4)(a) amended by S.I. 1998/2799 reg.2(2)(d)(iv)
     reg.10(4)(b) amended by S.I. 1998/2799 reg.2(2)(d)(v)
     reg.10(5) amended by S.I. 1998/2799 reg.2(2)(d)(vii)
     reg. 10(6) added by S.I. 1996/2907 reg. 67(7)
     reg.10(6) amended by S.I. 1998/2799 reg.2(2)(d)(viii)
     regs.11-15A revoked by S.I. 1999/1047 reg.13
     reg.31(13(2) amended by S.I. 1998/2799 reg.2(4)(a)
     reg.16 amended by S.I. 1999/1047 reg.14
     reg.16A substituted by S.I. 1999/1047 reg.15
     reg.17 amended by S.I. 2000/1596 reg.7
     reg.17(8) added by S.I. 1998/2799 reg.2(2)(f)
     reg. 19 excl. by S.I. 1994/227 reg. 10(3)
     reg.20 amended by S.I. 2000/1596 reg.8
     regs. 20-22 applied by S.I. 1994/227 reg. 11(3)
     reg. 20(1) word substituted by S.I. 1996/3196 reg. 7(2)
     reg. 20(2) words substituted by S.I. 1994/227 reg. 2(3)
     reg. 20(5) added by S.I. 1996/3196 reg. 7(3)
     reg. 21(2) words substituted by S.I. 1994/227 reg. 2(4)
     reg.23 amended by S.I. 2000/1596 reg.9
     reg.30 amended by S.I. 1999/1047 reg.17
     reg.30A amended by S.I. 1999/1047 reg.18
```

```
reg. 30A(2) substituted by S.I. 1996/3196 reg. 8(2)
reg. 30A(3)-(7) added by S.I. 1996/3196 reg. 8(3)
reg. 31 excl. by S.I. 1994/227 reg. 12(3)
reg. 31(1) substituted by S.I. 1996/1945 reg. 10
reg. 31(1) words added by S.I. 1994/227 reg. 2(5)
reg.32 amended by S.I. 1999/1047 reg.20
reg.32A amended by S.I. 1999/1047 reg.21
reg.32B amended by S.I. 1999/1047 reg.22
reg. 32B amendment to earlier affecting provision SI 1995/3261, reg. 35 by S.I.
1995/3265 reg. 2
reg.33 amended by S.I. 1999/1047 reg.23
reg.33(3) amended by S.I. 1998/2799 reg.2(4)(c)
reg. 33(6) substituted by S.I. 1996/1945 reg. 12(2)
reg. 33(9) added by S.I. 1996/1945 reg. 12(3)
reg.35 substituted by S.I. 1999/1047 reg.24
reg. 35(2) substituted by S.I. 1996/1945 reg. 13(2)
reg. 35(3) words substituted by S.I. 1996/1945 reg. 13(3)
reg. 36 amended by S.I. 1999/1047 reg.26
reg. 36(2) words substituted by S.I. 1996/1945 reg. 14(2)
reg. 36(3) revoked by S.I. 1996/1945 reg. 14(3)
reg. 36(4) word inserted by S.I. 1996/1945 reg. 14(4)
reg. 36(6) substituted by S.I. 1996/1945 reg. 14(6)
reg. 36(9) revoked by S.I. 1996/1945 reg. 14(3)
reg.38 amended by S.I. 1999/1047 reg.27
reg. 38(4) words omitted by S.I. 1996/1945 reg. 15
reg. 39(2) words omitted by S.I. 1996/1945 reg. 16
regs 41-46 replaced (by reg 41) by S.I. 1999/1047 reg.28
reg.47 am. and rev.in pt. by S.I. 1999/1047 reg.29
reg. 47(3) substituted by S.I. 1996/1945 reg. 17(2)
reg. 47(4) words substituted by S.I. 1996/1945 reg. 17(3)
reg. 47(5) words substituted by S.I. 1996/1945 reg. 17(4)
reg. 47(6)(7) revoked by S.I. 1996/1945 reg. 17(5)
reg. 49 revoked by S.I. 1996/3196 regs. 9
reg.49 substituted by S.I. 1999/1047 reg. 30
reg.52 revoked by S.I. 1999/1047 reg.31
regs. 54-57 revoked by S.I. 1999/1047 reg.31
```

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

```
provisions):

Sch. 1 para. 1(a) words substituted by S.I. 1999/977 reg. 5

Sch. 1 para. 3(a) words substituted by S.I. 1999/977 reg. 5

reg.8B(1) amended by S.I. 1998/2799 reg.2(2)(a)(i)

reg.8B(4) amended by S.I. 1998/2799 reg.2(2)(a)(ii)

regs.99A replaced (by reg.9) by S.I. 1999/1047 reg.10

reg.9(1)(iii) amended by S.I. 1998/2799 reg.2(2)(b)

reg.9A(5) amended by S.I. 1998/2799 reg.2(2)(c)

reg. 10(4)(c)(d) substituted for reg. 10(4)(c) by S.I. 1994/227 reg. 2(2)

reg.10(4)(d)(e) rev. in pt. by S.I. 1998/2799 reg.2(2)(d)(vi)

reg. 10(4)(d)(e) substituted for reg. 10(4)(d) by S.I. 1996/2907 reg. 67(6)

reg.11(2A) added by S.I. 1998/2799 reg.2(2)(e)

reg. 15A(2) words added by S.I. 1996/1945 reg. 9

regs.17-29 (Pts. V-VIII) replaced by S.I. 1999/1047 reg.16

regs.18A18B18C18D (Pt.VA) added by S.I. 1998/2799 reg.2(3)

regs.31-31C revoked by S.I. 1999/1047 reg.19
```

- reg.31C(1) amended by S.I. 1998/2799 reg.2(4)(b) reg. 31C(3) words substituted by S.I. 1996/1945 reg. 11
- reg.35A amended by S.I. 1999/1047 reg.25
- reg. 35A words substituted (amendment to earlier affecting provision SI 1995/3261, reg. 37) by S.I. 1995/3265 reg. 4
 - reg. 36(4A) added by S.I. 1996/1945 reg. 14(5)
- reg. 40A revoked by S.I. 1996/3196 regs. 9