
STATUTORY INSTRUMENTS

1997 No. 291

Act of Sederunt (Child Care and Maintenance Rules) 1997

CHAPTER 6

**APPLICATIONS UNDER THE SOCIAL
SECURITY ADMINISTRATION ACT 1992**

Interpretation

6.1 In this Chapter “the Act” means the Social Security Administration Act 1992(1) and, unless the context otherwise requires, expressions used in this Chapter which are also used in that Act shall have the meaning assigned to them by the Act.

Applications under section 106 of the Act

6.2.—(1) An application to the sheriff under section 106(1) of the Act (recovery of expenditure on benefit from person liable for maintenance) shall be by summary application.

(2) Where, in such an application, a sum is craved which represents or includes a personal allowance element, that element shall be identified in the application.

Transfer of rights under section 107 of the Act

6.3.—(1) The sheriff clerk, on receiving notice from the Secretary of State of a transfer of rights to an order by virtue of section 107(3) or (8) of the Act, shall endorse on the interlocutor sheet a certificate in Form 74.

(2) Where, following a transfer by virtue of section 107(3) or (8) of the Act, the dependent parent or the Secretary of State requests an extract of the order originally granted, the sheriff clerk shall issue an extract with a certified copy of the latest certificate referred to in paragraph (1) endorsed on it.

Notice to Secretary of State under section 108(5) of the Act

6.4 The notice required to be given to the Secretary of State by the sheriff clerk under section 108(5) of the Act (notice of application to vary etc. a maintenance order), as read with regulation 3 of the Income Support (Liable Relatives) Regulations 1990(2), shall—

- (a) be in writing;
- (b) specify any date assigned for the hearing of the application;
- (c) be accompanied by a copy of the application; and
- (d) be sent by recorded delivery post.

(1) 1992 c. 5.

(2) S.I. 1990/1777.

Notice to Secretary of State of making of maintenance order

6.5 Where an order granted by the sheriff in favour of the Secretary of State under section 106(2) of the Act has been transferred to the dependent parent in accordance with section 107(3) of that Act and a maintenance order is subsequently granted by the sheriff in favour of the dependent relative, the sheriff clerk shall forthwith notify the Secretary of State in writing and by recorded delivery post of the granting of the maintenance order.