
STATUTORY INSTRUMENTS

2002 No. 1204

The Child Support (Miscellaneous Amendments) Regulations 2002

Amendment of the Maintenance Calculation Procedure Regulations

6.—(1) The Maintenance Calculation Procedure Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 1(5) (commencement), for “, 54 and 55” there shall be substituted “and 54”.

(3) After regulation 9 (period within which reasons are to be given), there shall be inserted—

“Period for parent to state if request still stands

9A. The period to be specified for the purposes of section 46(6) of the Act (period for the parent to state if her request still stands) is 4 weeks from the date on which the Secretary of State serves notice under that subsection.”.

(4) In regulation 26(1) (effective dates of maintenance calculations—maintenance order and application under section 4 or 7), for sub-paragraph (c) there shall be substituted—

“(c) there is a maintenance order which—

(i) is in force and was made on or after the date prescribed for the purposes of section 4(10)(a) of the Act;

(ii) relates to the person with care, the non-resident parent and all the children to whom the application referred to in sub-paragraph (b) relates; and

(iii) has been in force for at least one year prior to the date of the application referred to in sub-paragraph (b).”.

(5) In regulation 27 (effective dates of maintenance calculations—maintenance order and application under section 6), in paragraph (1)(c), for “and the non-resident parent”, there shall be substituted “, the non-resident parent and all the children to whom the application referred to in sub-paragraph (b) relates”.

(6) In regulation 28(b) (effective dates of maintenance calculations—maintenance order ceases), for “25 or 26” there shall be substituted “26 or 27”.

(7) In regulation 29 (effective dates of maintenance calculations in specified cases), after paragraph (b) there shall be added—

“(c) except where the parent with care has made a request under section 6(5) of the Act, where—

(i) in the period of 8 weeks immediately preceding the date the application is made, or treated as made under regulation 3, a maintenance calculation (“the previous maintenance calculation”) has been in force and has ceased to have effect;

(ii) the parent with care in respect of the previous maintenance calculation is the non-resident parent in respect of the application;

(iii) the non-resident parent in respect of the previous maintenance calculation is the parent with care in respect of the application; and

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(iv) the application relates to the same qualifying child, or all of the same qualifying children, and no others, as the previous maintenance calculation,

the effective date of the maintenance calculation to which the application relates shall be the date on which the previous maintenance calculation ceased to have effect.”.

(8) In regulation 31(3) (transitional provision—effective dates and reduced benefit decisions), for “on or before” there shall be substituted “immediately before”.