
STATUTORY INSTRUMENTS

2013 No. 2947

**The Child Maintenance and Other Payments Act 2008
(Commencement No. 12 and Savings Provisions) and the
Welfare Reform Act 2012 (Commencement No. 15) Order 2013**

Thirteen week linking rule where case closed voluntarily

4.—(1) This article applies where—

- (a) on or after the date on which this Order is made, the applicant in relation to an existing case makes a request to the Secretary of State under section 4(5) or 7(6) of the 1991 Act⁽¹⁾ to cease acting; and
- (b) a further application is made under section 4 or 7 of the 1991 Act in relation to the same qualifying child, person with care and non-resident parent before the expiry of 13 weeks from the date of cessation of action by the Secretary of State.

(2) Where this article applies, for the purposes of calculating the amount of child maintenance in response to the further application referred to in paragraph (1)(b) the saving in article 3 continues to apply (and so that new application is an existing case).

(3) For the purposes of paragraph (1)(b)—

- (a) the date an application is made is—
 - (i) where made by telephone, the date it (the telephone call) is made; and
 - (ii) where made by post, the date of receipt by the Secretary of State; and
- (b) the date of cessation of action by the Secretary of State is—
 - (i) where there is a maintenance assessment or maintenance calculation in force, the date on which the liability under that assessment or calculation ends as a result of the request to cease acting;
 - (ii) where there is an application still to be determined, the date notified to the person with care as the date on which the Secretary of State has ceased acting.

(1) Section 4 was amended by section 18(1) of the Child Support Act 1995 (c. 34), paragraph 19 of Schedule 7, and Schedule 8, to the Social Security Act 1998 (c. 14) (“the 1998 Act”), sections 1(2) and 2(1) to (3) of, and paragraph 11(1) to (3) of Schedule 3 to, the 2000 Act, section 35(1) of, and Schedule 8 to, the Child Maintenance and Other Payments Act 2008 (c. 6) (“the 2008 Act”) and S.I. 2012/2007. Section 7 was amended by paragraph 21 of Schedule 7, and Schedule 8, to the 1998 Act, section 1(2) of, and paragraph 11(1),(2) and (4) of Schedule 3 to, the 2000 Act, section 35(2) of the 2008 Act and S.I. 2012/2007.