



Child Support Act 1995

1995 CHAPTER 34

Application for a departure direction

1 Applications for departure directions

(1) In the 1991 Act, insert after section 28—

“Departure from usual rules for determining maintenance assessments

28A Application for a departure direction

- (1) Where a maintenance assessment (“the current assessment”) is in force—
 - (a) the person with care, or absent parent, with respect to whom it was made, or
 - (b) where the application for the current assessment was made under section 7, either of those persons or the child concerned,may apply to the Secretary of State for a direction under section 28F (a “departure direction”).
- (2) An application for a departure direction shall state in writing the grounds on which it is made and shall, in particular, state whether it is based on—
 - (a) the effect of the current assessment; or
 - (b) a material change in the circumstances of the case since the current assessment was made.
- (3) In other respects, an application for a departure direction shall be made in such manner as may be prescribed.
- (4) An application may be made under this section even though—
 - (a) an application for a review has been made under section 17 or 18 with respect to the current assessment; or
 - (b) a child support officer is conducting a review of the current assessment under section 16 or 19.

Status: This is the original version (as it was originally enacted).

- (5) If the Secretary of State considers it appropriate to do so, he may by regulations provide for the question whether a change of circumstances is material to be determined in accordance with the regulations.
 - (6) Schedule 4A has effect in relation to departure directions.”
- (2) Schedule 1 inserts in the 1991 Act a new Schedule 4A which makes supplemental provision with respect to procedural and other matters.