



2008 CHAPTER 10

PART 2

CHILD SUPPORT ETC.

Maintenance calculations

Changes to the calculation of maintenance

8. Schedule 1 (which makes various changes to the provisions about the calculation of maintenance) has effect.

Power to regulate supersession

9. In Article 19 of the Child Support Order (decisions superseding earlier decisions), for paragraphs (2) and (3) substitute—

“(2) The Department may by regulations make provision with respect to the exercise of the power under paragraph (1).

(3) Regulations under paragraph (2) may, in particular—

- (a) make provision about the cases and circumstances in which the power under paragraph (1) is exercisable, including provision restricting the exercise of that power by virtue of change of circumstance;
- (b) make provision with respect to the consideration by the Department, when acting under paragraph (1), of any issue which has not led to its so acting;
- (c) make provision with respect to procedure in relation to the exercise of the power under paragraph (1).”.

Determination of applications for a variation

10.—(1) Article 28D of the Child Support Order is amended as follows.

(2) After paragraph (2) insert—

“(2A) Paragraph (2B) applies if—

- (a) the application for a variation is made by the person with care, and
- (b) it appears to the Department that consideration of further information or evidence may affect its decision under paragraph (1)(a) whether or not to agree to a variation.

(2B) Before making the decision under paragraph (1)(a) the Department must—

- (a) consider any such information or evidence that is available to it, and
- (b) where necessary, take such steps as the Department considers appropriate to obtain any such further information or evidence.”.

(3) In paragraph (3), after “duties” insert “, apart from the duty under paragraph (2B)”.

Transfer of cases to new rules

11. Schedule 2 (which makes provision for, and in connection with, enabling the Department to require existing cases to transfer to the new maintenance calculation rules or to leave the statutory scheme, so far as future accrual of liability is concerned) has effect.