

SCHEDULES

SCHEDULE 2

MAINTENANCE CALCULATIONS: TRANSFER OF CASES TO NEW RULES

Power to require a decision about whether to stay in the statutory scheme

1.—(1) The Department may require the interested parties in relation to an existing case to choose whether or not to stay in the statutory scheme, so far as future accrual of liability is concerned.

(2) The reference in sub-paragraph (1) to an existing case is to any of the following—

- (a) a maintenance assessment,
- (b) an application for a maintenance assessment,
- (c) a maintenance calculation made under existing rules, and
- (d) an application for a maintenance calculation which will fall to be made under existing rules.

(3) For the purposes of this paragraph, a maintenance calculation is made (or will fall to be made) under existing rules if the amount of the periodical payments required to be paid in accordance with it is (or will be) determined otherwise than in accordance with Part 1 of Schedule 1 to the Child Support Order as amended by this Act.

2.—(1) The Department may by regulations make provision about the exercise of the power under paragraph 1(1).

(2) Regulations under sub-paragraph (1) may, in particular—

- (a) make provision about timing in relation to exercise of the power;
- (b) make provision for exercise of the power in stages;
- (c) specify principles for determining the order in which particular cases are to be dealt with under the power;
- (d) make provision about procedure in relation to exercise of the power.

3.—(1) The Department shall by regulations make such provision as it thinks fit about exercise of the right to make a choice required under paragraph 1(1).

(2) Regulations under sub-paragraph (1) shall, in particular—

- (a) make provision about the time within which the choice must be made;
 - (b) make provision for a choice to stay in the statutory scheme to be made by means of an application to the Department for a maintenance calculation;
 - (c) make provision about the form and content of any application required by provision under paragraph (b).
4. If, in a particular case, any of the interested parties chooses not to stay in the statutory scheme, that person's choice shall be disregarded if any of the other interested parties chooses to stay in the statutory scheme.