

SCHEDULES

SCHEDULE 1

Article 3(2).

Departure Directions

The following Schedule shall be inserted in the Order of 1991, after Schedule 4—

“Schedule 4A

Departure Directions

Interpretation

1. In this Schedule—

“departure application” means an application for a departure direction;

“regulations” means regulations made by the Department;

“review” means a review under Article 18, 19, 20 or 21.

Applications for departure directions

2. Regulations may make provision—

(a) as to the procedure to be followed in considering a departure application;

(b) as to the procedure to be followed when a departure application is referred to a child support appeal tribunal under Article 28D(1)(b);

(c) for the giving of a direction by the Department as to the order in which, in a particular case, a departure application and a review are to be dealt with;

(d) for the reconsideration of a departure application in a case where further information becomes available to the Department after the application has been determined.

Completion of preliminary consideration

3. Regulations may provide for determining when the preliminary consideration of a departure application is to be taken to have been completed.

Information

4.—(1) Regulations may make provision for the use for any purpose of this Order of—

(a) information acquired by the Department in connection with an application for, or the making of, a departure direction;

(b) information acquired by a child support officer or the Department in connection with an application for, or the making of, a maintenance assessment.

(2) If any information which is required (by regulations under this Order) to be furnished to the Department in connection with a departure application has not been furnished within such period as may be prescribed, the Department may nevertheless proceed to determine the application.

Anticipation of change of circumstances

5.—(1) A departure direction may be given so as to provide that if the circumstances of the case change in such manner as may be specified in the direction a fresh maintenance assessment is to be made.

(2) Where any such provision is made, the departure direction may provide for the basis on which the amount of child support maintenance is to be fixed by the fresh maintenance assessment to differ from the basis on which the amount of child support maintenance was fixed by any earlier maintenance assessment made as a result of the direction.

Reviews and departure directions

6. Regulations may make provision—

- (a) with respect to cases in which a child support officer is conducting a review of a maintenance assessment which was made as a result of a departure direction;
- (b) with respect to cases in which a departure direction is made at a time when a child support officer is conducting a review.

Subsequent departure directions

7.—(1) Regulations may make provision with respect to any departure application made with respect to a maintenance assessment which was made as a result of a departure direction.

(2) The regulations may, in particular, provide for the application to be considered by reference to the maintenance assessment which would have been made had the departure direction not been given.

Joint consideration of departure applications and appeals

8.—(1) Regulations may provide for two or more departure applications with respect to the same current assessment to be considered together.

(2) A child support appeal tribunal considering—

- (a) a departure application referred to it under Article 28D(1)(b), or
- (b) an appeal under Article 28H,

may consider it at the same time as hearing an appeal under Article 22 in respect of the current assessment, if it considers that to be appropriate.

Child support appeal tribunals

9.—(1) Regulations may provide that, in prescribed circumstances, where—

- (a) a departure application is referred to a child support appeal tribunal under Article 28D(1)(b), or
- (b) an appeal is brought under Article 28H,

the application or appeal may be dealt with by a tribunal constituted by the chairman sitting alone.

(2) Sub-paragraph (1) does not apply in relation to any appeal which is being heard together with an appeal under Article 22.

Current assessments which are replaced by fresh assessments

10. Regulations may make provision as to the circumstances in which prescribed references in this Order to a current assessment are to have effect as if they were references to any later maintenance assessment made with respect to the same persons as the current assessment.”