



# Child Maintenance and Other Payments Act 2008

## 2008 CHAPTER 6

### PART 3

#### CHILD SUPPORT ETC.

##### *Maintenance calculations*

#### **16 Changes to the calculation of maintenance**

Schedule 4 (which makes various changes to the provisions about the calculation of maintenance) has effect.

#### **17 Power to regulate supersession**

In section 17 of the Child Support Act 1991 (c. 48) (decisions superseding earlier decisions), for subsections (2) and (3) substitute—

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

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

- (a) make provision about the cases and circumstances in which the power under subsection (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 Commission, when acting under subsection (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 subsection (1).”

**18 Determination of applications for a variation**

(1) Section 28D of the Child Support Act 1991 is amended as follows.

(2) After subsection (2) insert—

“(2A) Subsection (2B) applies if—

- (a) the application for a variation is made by the person with care or (in the case of an application for a maintenance calculation under section 7) the person with care or the child concerned, and
- (b) it appears to the Commission that consideration of further information or evidence may affect its decision under subsection (1)(a) whether or not to agree to a variation.

(2B) Before making the decision under subsection (1)(a) the Commission must—

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

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

**19 Transfer of cases to new rules**

Schedule 5 (which makes provision for, and in connection with, enabling the Commission 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.