
STATUTORY INSTRUMENTS

1992 No. 1813

**The Child Support (Maintenance
Assessment Procedure) Regulations 1992**

PART I
GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Maintenance Assessment Procedure) Regulations 1992 and shall come into force on 5th April 1993.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Child Support Act 1991;

“applicable amount” is to be construed in accordance with Part IV of the Income Support Regulations;

“applicable amounts Schedule” means Schedule 2 to the Income Support Regulations⁽¹⁾;

“award period” means a period in respect of which an award of family credit or disability working allowance is made;

“balance of the reduction period” means, in relation to a direction that is or has been in force, the portion of the period specified in a direction in respect of which no reduction of relevant benefit has been made;

“benefit week”, in relation to income support, has the same meaning as in the Income Support Regulations, and, in relation to family credit and disability working allowance, is to be construed in accordance with the Social Security (Claims and Payments) Regulations 1987⁽²⁾;

“direction” means reduced benefit direction;

“disability working allowance” has the same meaning as in the Social Security Contributions and Benefits Act 1992⁽³⁾;

“day to day care” has the same meaning as in the Maintenance Assessments and Special Cases Regulations;

“effective application” means any application that complies with the provisions of regulation 2;

“effective date” means the date on which a maintenance assessment takes effect for the purposes of the Act;

“Income Support Regulations” means the Income Support (General) Regulations 1987⁽⁴⁾;

⁽¹⁾ Part I of Schedule 2 was substituted by Schedule 3 to S.I.1991/2910 from 6.4.92.

⁽²⁾ S.I. 1987/1968.

⁽³⁾ 1992 c. 4.

⁽⁴⁾ S.I. 1987/1967.

“Information, Evidence and Disclosure Regulations” means the Child Support (Information, Evidence and Disclosure) Regulations 1992⁽⁵⁾;

“Maintenance Assessments and Special Cases Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992⁽⁶⁾;

“maintenance period” has the meaning prescribed in regulation 33;

“obligation imposed by section 6 of the Act” is to be construed in accordance with section 46(1) of the Act;

“parent with care” means a person who, in respect of the same child or children, is both a parent and a person with care;

“the parent concerned” means the parent with respect to whom a direction is given;

“protected income level” has the same meaning as in paragraph 6(6) of Schedule 1 to the Act;

“relevant benefit” means income support, family credit or disability working allowance;

“relevant person” means—

- (a) a person with care;
- (b) an absent parent;
- (c) a parent who is treated as an absent parent under regulation 20 of the Maintenance Assessments and Special Cases Regulations;
- (d) where the application for an assessment is made by a child under section 7 of the Act, that child,

in respect of whom a maintenance assessment has been applied for or is or has been in force.

(3) In these Regulations, references to a direction as being “in operation”, “suspended”, or “in force” shall be construed as follows—

a direction is “in operation” if, by virtue of that direction, relevant benefit is currently being reduced;

a direction is “suspended” if either—

- (a) after that direction has been given, relevant benefit ceases to be payable, or becomes payable at one of the rates indicated in regulation 40(3); or
- (b) at the time that the direction is given, relevant benefit is payable at one of the rates indicated in regulation 40(3),

and these Regulations provide for relevant benefit payable from a later date to be reduced by virtue of the same direction;

a direction is “in force” if it is either in operation or is suspended,

and cognate terms shall be construed accordingly.

(4) The provisions of Schedule 1 shall have effect to supplement the meaning of “child ” in section 55 of the Act.

(5) The provisions of these Regulations shall have general application to cases prescribed in regulations 19 to 26 of the Maintenance Assessments and Special Cases Regulations as cases to be treated as special cases for the purposes of the Act, and the terms “absent parent ” and “person with care ” shall be construed accordingly.

(6) Except where express provision is made to the contrary, where, by any provision of the Act or of these Regulations—

(5) S.I. 1992/1812.

(6) S.I. 1992/1815.

- (a) any document is given or sent to the Secretary of State, that document shall, subject to paragraph (7), be treated as having been so given or sent on the day it is received by the Secretary of State; and
- (b) any document is given or sent to any person, that document shall, if sent by post to that person's last known or notified address, and subject to paragraph (8), be treated as having been given or sent on the second day after the day of posting, excluding any Sunday or any day which is a bank holiday in England, Wales, Scotland or Northern Ireland under the Banking and Financial Dealings Act 1971(7).

(7) Except where the provisions of regulation 8(6), 24(2), 29(3) or 31(6)(a) apply, the Secretary of State may treat a document given or sent to him as given or sent on such day, earlier than the day it was received by him, as he may determine, if he is satisfied that there was unavoidable delay in his receiving the document in question.

(8) Where, by any provision of the Act or of these Regulations, and in relation to a particular application, notice or notification—

- (a) more than one document is required to be given or sent to a person, and more than one such document is sent by post to that person but not all the documents are posted on the same day; or
- (b) documents are required to be given or sent to more than one person, and not all such documents are posted on the same day,

all those documents shall be treated as having been posted on the later or, as the case may be, the latest day of posting.

(9) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered Part is to the Part of these Regulations bearing that number;
- (b) to a numbered Schedule is to the Schedule to these Regulations bearing that number;
- (c) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (d) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
- (e) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.