

SCHEDULE 2

Regulation 4

MULTIPLE APPLICATIONS

No maintenance assessment in force: more than one application for a maintenance assessment by the same person under section 4^{F1}... of the Act

1.—(1) Where a person makes an effective application for a maintenance assessment under section 4^{F2}... of the Act and, before that assessment is made, makes a subsequent effective application under that section with respect to the same absent parent or person with care, as the case may be, those applications shall be treated as a single application.

^{F3}(2)

Textual Amendments	
F1	Words in Sch. 2 para. 1 heading omitted (27.10.2008) by virtue of The Child Support (Consequential Provisions) Regulations 2008 (S.I. 2008/2543), regs. 1, 2(10)(a)
F2	Words in Sch. 2 para. 1(1) omitted (27.10.2008) by virtue of The Child Support (Consequential Provisions) Regulations 2008 (S.I. 2008/2543), regs. 1, 2(10)(b)
F3	Sch. 2 para. 1(2) omitted (27.10.2008) by virtue of The Child Support (Consequential Provisions) Regulations 2008 (S.I. 2008/2543), regs. 1, 2(10)(c)

No maintenance assessment in force: more than one application by a child under section 7 of the Act

2. Where a child makes an effective application for a maintenance assessment under section 7 of the Act and, before that assessment is made, makes a subsequent effective application under that section with respect to the same person with care and absent parent, both applications shall be treated as a single application for a maintenance assessment.

No maintenance assessment in force: applications by different persons for a maintenance assessment

3.—(1) Where the Secretary of State receives more than one effective application for a maintenance assessment with respect to the same person with care and absent parent, he shall^{F4}, if no maintenance assessment has been made in relation to any of the applications,] determine which application he shall proceed with in accordance with sub-paragraphs (2) to (11).

(2) Where there is an application by a person with care under section 4^{F5}... of the Act and an application by an absent parent under section 4 of the Act, [^{F6}the Secretary of State] shall proceed with the application of the person with care.

(3) Where there is an application for a maintenance assessment by a qualifying child under section 7 of the Act and a subsequent application is made with respect to that child by a person who is, with respect to that child, a person with care or an absent parent, [^{F7}the Secretary of State] shall proceed with the application of that person with care or absent parent, as the case may be.

(4) Where, in a case falling within sub-paragraph (3), there is more than one subsequent application, [^{F8}the Secretary of State] shall apply the provisions of sub-paragraph (2), (8), (9) or (11), as is appropriate in the circumstances of the case, to determine which application he shall proceed with.

(5) Where there is an application for a maintenance assessment by more than one qualifying child under section 7 of the Act in relation to the same person with care and absent parent, [^{F9}the

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Secretary of State] shall proceed with the application of the elder or, as the case may be, eldest of the qualifying children.

(6) Where a case is to be treated as a special case for the purposes of the Act under regulation 19 of the Maintenance Assessments and Special Cases Regulations (both parents are absent) and an effective application is received from each absent parent, [^{F10}the Secretary of State] shall proceed with both applications, treating them as a single application for a maintenance assessment.

(7) Where, under the provisions of regulation 20 of the Maintenance Assessments and Special Cases Regulations (persons treated as absent parents), two persons are to be treated as absent parents and an effective application is received from each such person, [^{F11}the Secretary of State] shall proceed with both applications, treating them as a single application for a maintenance assessment.

^{F12}(8)

(9) Where—

- (a) more than one person with care makes an application for a maintenance assessment under section 4 of the Act in respect of the same qualifying child or qualifying children (whether or not any of those applications is also in respect of other qualifying children);
- (b) each such person has parental responsibility for (or, in Scotland, parental rights over) that child or children; and
- (c) under the provisions of regulation 20 of the Maintenance Assessments and Special Cases Regulations one of those persons is to be treated as an absent parent,

[^{F13}the Secretary of State] shall proceed with the application of the person who does not fall to be treated as an absent parent under the provisions of regulation 20 of those Regulations.

(10) Where, in a case falling within sub-paragraph (9), there is more than one person who does not fall to be treated as an absent parent under the provisions of regulation 20 of those Regulations, [^{F14}the Secretary of State] shall apply the provisions of paragraph (11) to determine which application he shall proceed with.

(11) Where—

- (a) more than one person with care makes an application for a maintenance assessment under section 4 of the Act in respect of the same qualifying child or qualifying children (whether or not any of those applications is also in respect of other qualifying children); and
- (b) either—
 - (i) none of those persons has parental responsibility for (or, in Scotland, parental rights over) that child or children; or
 - (ii) the case falls within sub-paragraph (9)(b)
 - but the [^{F15}the Secretary of State] has not been able to determine which application he is to proceed with under the provisions of sub-paragraph (9),

[^{F15}the Secretary of State] shall proceed with the application of the principal provider of day to day care, as determined in accordance with sub-paragraph (12).

(12) Where—

- (a) the applications are in respect of one qualifying child, the application of that person with care with whom the child spends the greater or, as the case may be, the greatest proportion of his time;
- (b) the applications are in respect of more than one qualifying child, the application of that person with care with whom the children spend the greater or, as the case may be, the greatest proportion of their time, taking account of the time each qualifying child spends with each of the persons with care in question;

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- (c) [^{F16}the Secretary of State] cannot determine which application he is to proceed with under paragraph (a) or (b), and child benefit is paid in respect of the qualifying child or qualifying children to one but not any other of the applicants, the application of the applicant to whom child benefit is paid;
- (d) [^{F16}the Secretary of State] cannot determine which application he is to proceed with under paragraph (a), (b) or (c), the application of that applicant who in the opinion of [^{F16}the Secretary of State] is the principal provider of day to day care for the child or children in question.

(13) Subject to sub-paragraph (14), where, in any case falling within sub-paragraphs (2) to (11), the applications are not in respect of identical qualifying children, the application that [^{F17}the Secretary of State] is to proceed with as determined by those paragraphs shall be treated as an application with respect to all of the qualifying children with respect to whom the applications were made.

(14) Where [^{F18}the Secretary of State] is satisfied that the same person with care does not provide the principal day to day care for all of the qualifying children with respect to whom an assessment would but for the provisions of this paragraph be made under sub-paragraph (13), he shall make separate assessments in relation to each person with care providing such principal day to day care.

[^{F19}(15) For the purposes of sub-paragraph (12)(c), where a person has made an election under section 13A(1) of the Social Security Administration Act 1992 (election not to receive child benefit) for payments of child benefit not to be made in respect of a child, that person is to be treated as the person to whom child benefit is being paid in respect of that child.]

Textual Amendments

- F4** Words in Sch. 2 para. 3(1) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F5** Words in Sch. 2 para. 3(2) omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **2(11)(a)**
- F6** Words in Sch. 2 para. 3(2) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F7** Words in Sch. 2 para. 3(3) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F8** Words in Sch. 2 para. 3(4) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F9** Words in Sch. 2 para. 3(5) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F10** Words in Sch. 2 para. 3(6) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F11** Words in Sch. 2 para. 3(7) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F12** Sch. 2 para. 3(8) omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **2(11)(b)**
- F13** Words in Sch. 2 para. 3(9) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F14** Words in Sch. 2 para. 3(10) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F15** Words in Sch. 2 para. 3(11) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F16** Words in Sch. 2 para. 3(12) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**

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- F17** Words in Sch. 2 para. 3(13) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F18** Words in Sch. 2 para. 3(14) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**
- F19** Sch. 2 para. 3(15) inserted (30.9.2013) by [The Child Support \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/1517\)](#), regs. 1(2), **2(3)**

Maintenance assessment in force: subsequent application for a maintenance assessment with respect to the same persons

4. Where a maintenance assessment is in force and a subsequent application is made under the same section of the Act for an assessment with respect to the same person with care, absent parent, and qualifying child or qualifying children as those with respect to whom the assessment in force has been made, that application shall not be proceeded with ^{F20}....

- Textual Amendments**
- F20** Words in Sch. 2 para. 4 omitted (1.6.1999) by virtue of [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), **33**

Maintenance assessment in force: subsequent application for a maintenance assessment under section 6 of the Act

^{F21}5.

- Textual Amendments**
- F21** Sch. 2 para. 5 omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **2(12)**

Maintenance assessment in force: subsequent application for a maintenance assessment in respect of additional children

6.—^{F22}(1) Where there is in force a maintenance assessment made in response to an application under section 4 of the Act by an absent parent or person with care and that assessment is not in respect of all of the absent parent’s children who are in the care of the person with care with respect to whom that assessment was made—

- (a) if that absent parent or that person with care makes an application under section 4 of the Act with respect to the children in respect of whom the assessment currently in force was made and the additional child or one or more of the additional children in the care of that person with care who are children of that absent parent, an assessment made in response to that application shall replace the assessment currently in force;
- (b) if that absent parent or that person with care makes an application under section 4 of the Act in respect of an additional qualifying child or additional qualifying children of that absent parent in the care of that person with care, that application shall be treated as an application for a maintenance assessment in respect of all the qualifying children concerned and the assessment made shall replace the assessment currently in force.]

^{F23}(2)

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(3) Where a maintenance assessment made in response to an application by a child under section 7 of the Act is in force and the person with care [^{F24}or the absent parent] of that child makes an application for a maintenance assessment under section 4 of the Act in respect of [^{F25}one or more [^{F26}children of that absent parent who are in the care of that person with care], that application shall be treated as an application for a maintenance assessment with respect to all the children of the absent parent who are in her care, and], that assessment shall replace the assessment currently in force.

Textual Amendments

- F22** Sch. 2 para. 6(1) substituted (19.1.1998) by [The Child Support \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/58\)](#), regs. 1(2), [reg. 41\(2\)](#)
- F23** Sch. 2 para. 6(2) omitted (19.1.1998) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/58\)](#), regs. 1(2), [reg. 41\(2\)](#)
- F24** Words in Sch. 2 para. 6(3) inserted (19.1.1998) by [The Child Support \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/58\)](#), regs. 1(2), [reg. 41\(3\)](#)
- F25** Words in Sch. 2 para. 6(3) substituted (5.4.1993) by [The Child Support \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/913\)](#), regs. 1(1), [18](#)
- F26** Words in Sch. 2 para. 6(3) substituted (19.1.1998) by [The Child Support \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/58\)](#), regs. 1(2), [reg. 41\(3\)](#)

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Changes and effects yet to be applied to :

- Sch.2 para.3 amended by [S.I. 1999/1047 reg.33\(a\)](#)
- Sch.2 para.4 revoked by [S.I. 1999/1047 reg.33\(b\)](#)
- Regulations modified by [S.I. 1999/779 art. 2Sch.](#)
- Regulations revoked in part by [S.I. 2001/157 reg. 30\(1\)](#)
- reg.SC rev.in pt. and amended by [S.I. 1999/1047 reg 8](#)
- reg.SD rev.in pt. and amended by [S.I. 1999/1047 reg 9](#)
- reg.31(13(2) amended by [S.I. 1998/2799 reg.2\(4\)\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 1(a) words substituted by [S.I. 1999/977 reg. 5](#)
- Sch. 1 para. 3(a) words substituted by [S.I. 1999/977 reg. 5](#)
- reg.8B(1) amended by [S.I. 1998/2799 reg.2\(2\)\(a\)\(i\)](#)
- reg.8B(4) amended by [S.I. 1998/2799 reg.2\(2\)\(a\)\(ii\)](#)
- regs.99A replaced (by reg.9) by [S.I. 1999/1047 reg.10](#)
- reg.9(1)(iii) amended by [S.I. 1998/2799 reg.2\(2\)\(b\)](#)
- reg.9A(5) amended by [S.I. 1998/2799 reg.2\(2\)\(c\)](#)
- reg. 10(4)(c)(d) substituted for reg. 10(4)(c) by [S.I. 1994/227 reg. 2\(2\)](#)
- reg.10(4)(d)(e) rev. in pt. by [S.I. 1998/2799 reg.2\(2\)\(d\)\(vi\)](#)
- reg. 10(4)(d)(e) substituted for reg. 10(4)(d) by [S.I. 1996/2907 reg. 67\(6\)](#)
- reg.11(2A) added by [S.I. 1998/2799 reg.2\(2\)\(e\)](#)
- reg. 15A(2) words added by [S.I. 1996/1945 reg. 9](#)
- regs.17-29 (Pts. V-VIII) replaced by [S.I. 1999/1047 reg.16](#)
- regs.18A18B18C18D (Pt.VA) added by [S.I. 1998/2799 reg.2\(3\)](#)
- regs.31-31C revoked by [S.I. 1999/1047 reg.19](#)
- reg.31C(1) amended by [S.I. 1998/2799 reg.2\(4\)\(b\)](#)
- reg. 31C(3) words substituted by [S.I. 1996/1945 reg. 11](#)
- reg.35A amended by [S.I. 1999/1047 reg.25](#)
- reg. 35A words substituted (amendment to earlier affecting provision SI 1995/3261, reg. 37) by [S.I. 1995/3265 reg. 4](#)
- reg. 36(4A) added by [S.I. 1996/1945 reg. 14\(5\)](#)
- reg. 40A revoked by [S.I. 1996/3196 regs. 9](#)