

SCHEDULE 1

AMENDMENT OF PROVISIONS RELATING TO THE BACKDATING OF CERTAIN COURT ORDERS

Children Act 1989(1)

11. After paragraph 3(4) of that Schedule there shall be inserted—

“(5) Where—

- (a) a maintenance assessment (“the current assessment”) is in force with respect to a child; and
- (b) an application is made for an order under paragraph 1(2)(a) or (b) of this Schedule for periodical payments in favour of that child—
 - (i) in accordance with section 8 of the Child Support Act 1991(2); and
 - (ii) before the end of the period of 6 months beginning with the making of the current assessment,

the term to be specified in any such order made on that application may be expressed to begin on, or at any time after, the earliest permitted date.

(6) For the purposes of subsection (5) above, “the earliest permitted date” is whichever is the later of—

- (a) the date 6 months before the application is made; or
- (b) the date on which the current assessment took effect or, where successive maintenance assessments have been continuously in force with respect to a child, on which the first of those assessments took effect.

(7) Where—

- (a) a maintenance assessment ceases to have effect or is cancelled by or under any provision of the Child Support Act 1991, and
- (b) an application is made, before the end of the period of 6 months beginning with the relevant date, for an order for periodical payments under paragraph 1(2)(a) or (b) in favour of a child with respect to whom that maintenance assessment was in force immediately before it ceased to have effect or was cancelled,

the term to be specified in any such order, or in any interim order under paragraph 9, made on that application may begin with the date on which that maintenance assessment ceased to have effect or, as the case may be, the date with effect from which it was cancelled, or any later date.

(8) In sub-paragraph (7)(b)—

- (a) where the maintenance assessment ceased to have effect, the relevant date is the date on which it so ceased; and
- (b) where the maintenance assessment was cancelled, the relevant date is the later of—
 - (i) the date on which the person who cancelled it did so, and
 - (ii) the date from which the cancellation first had effect.”

(1) 1989 c. 41.
(2) 1991 c. 48.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.