
STATUTORY INSTRUMENTS

2001 No. 157

**The Child Support (Maintenance
Calculation Procedure) Regulations 2000**

PART VII

EFFECTIVE DATES OF MAINTENANCE CALCULATIONS

Effective dates of maintenance calculations

25.—(1) Subject to regulations 26 to 29, where no maintenance calculation is in force with respect to the person with care or the non-resident parent, the effective date of a maintenance calculation following an application made under section 4 or 7 of the Act, or treated as made under section 6(3) of the Act, as the case may be, shall be the date determined in accordance with paragraphs (2) to (4) below.

(2) Where the application for a maintenance calculation is made under section 4 of the Act by a non-resident parent, the effective date of the maintenance calculation shall be the date that an effective application is made or treated as made under regulation 3.

(3) Where the application for a maintenance calculation is—

- (a) made under section 4 of the Act by a person with care;
- (b) treated as made under section 6(3) of the Act; or
- (c) made by a child under section 7 of the Act,

the effective date of the maintenance calculation shall be the date of notification to the non-resident parent.

(4) For the purposes of this regulation, where the Secretary of State is satisfied that a non-resident parent has intentionally avoided receipt of a notice of a maintenance application he may determine the date of notification to the non-resident parent as the date on which the notification would have been given to him but for such avoidance.

(5) Where in relation to a decision made under section 11 of the Act a maintenance calculation is made to which paragraph 15 of Schedule 1 to the Act applies, the effective date of the calculation shall be the beginning of the maintenance period in which the change of circumstance to which the calculation relates occurred or is expected to occur.

Effective dates of maintenance calculations—maintenance order and application under section 4 or 7

26.—(1) This regulation applies, subject to regulation 28, where—

- (a) no maintenance calculation is in force with respect to the person with care or the non-resident parent;
- (b) an application for a maintenance calculation is made under section 4 or 7 of the Act; and

- (c) there is a maintenance order in force, made on or after the date prescribed for the purposes of section 4(10)(a) of the Act, in relation to the person with care and the non-resident parent and that order has been in force for at least one year prior to the date the application for a maintenance calculation is made.
- (2) The effective date of the maintenance calculation shall be two months and two days after the application is made.

Effective dates of maintenance calculations—maintenance order and application under section 6

- 27.**—(1) This regulation applies, subject to regulation 28, where—
- (a) the circumstances set out in regulation 26(1)(a) apply;
 - (b) an application for a maintenance calculation is treated as made under section 6(3) of the Act; and
 - (c) there is a maintenance order in force in relation to the person with care and the non-resident parent.
- (2) The effective date of the maintenance calculation shall be 2 days after the maintenance calculation is made.

Effective dates of maintenance calculations—maintenance order ceases

- 28.** Where—
- (a) a maintenance calculation is made; and
 - (b) there was a maintenance order in force in relation to the person with care and the non-resident parent which ceased to have effect after the date on which the application for the maintenance calculation was made but before the effective date provided for in regulation 25 or 26 as the case may be,

the effective date of the maintenance calculation shall be the day following that on which the maintenance order ceased to have effect.

Effective dates of maintenance calculations in specified cases

- 29.** Where an application for a maintenance calculation is made under section 4 or 7 of the Act, or treated as made under section 6(3) of the Act—
- (a) except where the parent with care has made a request under section 6(5) of the Act, where in the period of 8 weeks immediately preceding the date the application is made, or treated as made under regulation 3, there has been in force a maintenance calculation in respect of the same non-resident parent and child but a different person with care, the effective date of the maintenance calculation made in respect of the application shall be the day following the day on which the previous maintenance calculation ceased to have effect;
 - (b) where a maintenance calculation (“the existing calculation”) is in force with respect to the person who is the person with care in relation to the application but who is the non-resident parent in relation to the existing calculation, the effective date of the calculation shall be a date not later than 7 days after the date of notification to the non-resident parent which is the day on which a maintenance period in respect of the existing calculation begins.