

STATUTORY INSTRUMENTS

2012 No. 2677

The Child Support Maintenance Calculation Regulations 2012

PART 3

DECISION MAKING

CHAPTER 1

MAKING THE MAINTENANCE CALCULATION

Initial effective date

12.—^{F1}(1) The effective date of a decision under section 11 of the 1991 Act ^{M1} (“the initial effective date”) is the date [^{F2}provided as the initial effective date in the notice] given to the non-resident parent [^{F2}under] regulation 11.

^{F3}(2) The non-resident parent must be notified of the initial effective date—

- (a) by written notice posted to the last known [^{F4}postal address] of the non-resident parent at least two days prior to the initial effective date; ^{F5}...
- (b) by telephone on or before the initial effective date and by written notice sent by post to the last known [^{F4}postal address] of the non-resident parent [^{F6}; or
- (c) by electronic communication in accordance with Schedule 1, at least one day prior to the initial effective date]

- F1** Pt. 3 reg. 12(1): reg. 12 renumbered as reg. 12(1) (30.6.2014) by [The Child Support \(Consequential and Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/1386\)](#), regs. 1(2), **7(3)(a)** (as amended (24.6.2014) by [S.I. 2014/1621](#), reg. 3)
- F2** Words in Pt. 3 reg. 12(1) substituted (30.6.2014) by [The Child Support \(Consequential and Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/1386\)](#), regs. 1(2), **7(3)(b)** (as amended (24.6.2014) by [S.I. 2014/1621](#), reg. 3)
- F3** Pt. 3 reg. 12(2) inserted (30.6.2014) by [The Child Support \(Consequential and Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/1386\)](#), regs. 1(2), **7(3)(c)** (as amended (24.6.2014) by [S.I. 2014/1621](#), reg. 3)
- F4** Words in reg. 12(2)(a)(b) substituted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **26(c)**
- F5** Word in reg. 12(2)(a) omitted (26.5.2022) by virtue of [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **26(a)**
- F6** Reg. 12(2)(c) and word inserted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **26(b)**

Commencement Information

- I1** Reg. 12 wholly in force; reg. 12 not in force at made date; reg. 12 in force at 29.7.2013 for certain purposes and reg. 12 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

Marginal Citations

- M1** Section 11 was substituted by section 1(1) of the 2000 Act and amended by Schedule 8 to the 2008 Act.

Effect of variation applied for before a maintenance calculation is made

13.—(1) Subject to paragraph (2), where an application for a variation is made in the circumstances referred to in section 28A(3) of the 1991 Act^{M2} (that is before the Secretary of State has reached a decision under section 11 or 12(1) of the Act) and the application is agreed to, the effective date of the maintenance calculation which takes account of the variation is—

- (a) where the ground giving rise to the variation existed from the initial effective date, that date; or
- (b) where the ground giving rise to the variation arose after the initial effective date, the day on which the ground arose.

(2) Where—

- (a) the ground for the variation applied for under section 28A(3) of the 1991 Act is a ground in regulation 65 (prior debts) or 67 (payments in respect of certain mortgages, loans or insurance policies), and
- (b) payments falling within the relevant regulation which have been made by the non-resident parent constitute voluntary payments for the purposes of section 28J of that Act (voluntary payments)^{M3} and regulations made under that section,

the date from which the maintenance calculation is to take account of the variation on this ground is to be the date on which the non-resident parent is notified under regulation 25 (notification of a maintenance calculation) of the amount of their liability to pay child support maintenance.

(3) Where the ground for the variation applied for under section 28A(3) of the 1991 Act has ceased to exist by the date on which the maintenance calculation is made, that calculation is to take account of the variation for the period ending on the day on which the ground ceased to exist.

Commencement Information

- I2** Reg. 13 wholly in force; reg. 13 not in force at made date; reg. 13 in force at 29.7.2013 for certain purposes and reg. 13 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

Marginal Citations

- M2** Section 28A(3) was amended by Schedule 8 to the 2008 Act.
M3 Section 28J was inserted by section 20 of the 2000 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, CHAPTER 1.