
STATUTORY INSTRUMENTS

2012 No. 2677

The Child Support Maintenance Calculation Regulations 2012

PART 3

DECISION MAKING

CHAPTER 3

SUPERSESION

Effective dates for supersession decisions

18.—(1) This regulation sets out cases and circumstances in which a supersession decision takes effect on a date other than the date mentioned in section 17(4) of the 1991 Act ^{M1}.

(2) Where the ground for the supersession decision is that a relevant change of circumstances is expected to occur or that a ground for a variation is expected to occur, the decision takes effect from the date on which that change or that ground is expected to occur.

(3) Where the ground for the supersession decision is that a relevant change of circumstances of the following kind has occurred, the decision takes effect from the date on which the change occurred—

- (a) a child ceases to be a qualifying child, a relevant other child, or a child supported under another arrangement;
- (b) the person with care dies or ceases to be a person with care in relation to a qualifying child;
- (c) the person with care, the non-resident parent or a qualifying child ceases to be habitually resident in the United Kingdom;
- (d) the non-resident parent begins or ceases to receive a benefit mentioned in regulation 44(1) or begins or ceases to be a person who receives, or whose partner receives, a benefit referred to in regulation 44(2).

(4) Where the ground for the supersession decision is that a relevant change of circumstances affecting the non-resident parent's current income has occurred and the non-resident parent was required to report that change in accordance with regulations under section 14(1) of the 1991 Act, the decision takes effect from the date on which the change occurred.

(5) Where the ground for the supersession decision is that there is a new qualifying child in relation to the non-resident parent, the decision takes effect from the date which would be the initial effective date in relation to an application under section 4 or 7 of the 1991 Act in relation to that child if there were no maintenance calculation already in force.

(6) Where paragraphs (2) to (5) do not apply—

- (a) if the supersession decision is made on an application by one of the parties, the decision takes effect from the date of the application;
- (b) if the supersession decision is made on the Secretary of State's own initiative on the basis of information provided by a third party, the decision takes effect from the date on which that information is provided; and

- (c) if the supersession decision is made on the Secretary of State's own initiative, and sub-paragraph (b) does not apply, the decision takes effect from the date on which it is made.
- (7) In paragraph (3)—
- (a) the reference to a child supported under another arrangement is to a child supported under a qualifying maintenance arrangement mentioned in paragraph 5A of Schedule 1 to the 1991 Act ^{M2} or a child mentioned in regulation 52 (non-resident parent liable to maintain a child of the family or a child abroad); and
 - (b) the reference to the date on which a person begins or ceases to receive a benefit is to the date on which entitlement to the benefit commences or ceases.
- (8) This regulation is subject to any provision in Chapter 4 of this Part (updating gross weekly income) relating to the date from which a supersession decision made under that Chapter takes effect.

Commencement Information

- II** Reg. 18 wholly in force; reg. 18 not in force at made date; reg. 18 in force at 29.7.2013 for certain purposes and reg. 18 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 17(4) and (4A) was substituted by section 9(1) and (3) of the 2000 Act.
- M2** Paragraph 5A was inserted by paragraph 5(2) of Schedule 4 to the 2008 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, Section 18.