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STATUTORY INSTRUMENTS

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**2014 No. 1635**

**The Child Maintenance and Other Payments Act 2008  
(Commencement No. 14 and Transitional Provisions) and  
the Welfare Reform Act 2012 (Commencement No. 18  
and Transitional and Savings Provisions) Order 2014**

**Thirteen week linking rule in relation to certain cases**

3.—(1) This article has effect from 30th June 2014.

(2) Where—

- (a) the Secretary of State ceases acting in an existing case as a result of being requested, on or after 30th June 2014, to cease acting by—
  - (i) the person with care under section 4(5) (child support maintenance) of the 1991 Act<sup>(1)</sup>, or
  - (ii) in Scotland, a child under section 7(6) (right of child in Scotland to apply for assessment) of that Act<sup>(2)</sup>; and
- (b) the qualifying child or, if there is more than one qualifying child, all of the qualifying children in relation to the existing case will reach the age of 20 before the end of the transition period,

the non-resident parent is not eligible to make an application under section 4(1) of the 1991 Act<sup>(3)</sup> in relation to a qualifying child referred to in sub-paragraph (b) before the expiry of the period of 13 weeks from the date of cessation of action by the Secretary of State, unless paragraph (3) applies.

(3) Where the non-resident parent becomes the person with care, paragraph (2) does not apply.

(4) For the purposes of paragraph (2), the date of cessation of action by the Secretary of State is—

- (a) where there is a maintenance assessment or maintenance calculation in force, the date on which the liability under that assessment or calculation ends as a result of the request to cease acting;
- (b) where there is an application still to be determined, the date notified to the person with care as the date on which the Secretary of State has ceased acting.

(5) In this article—

- (a) subject to sub-paragraph (b), “non-resident parent”, “person with care” and “qualifying child” have the meanings given in section 3 (meaning of certain terms) of the 1991 Act<sup>(4)</sup>;
- (b) a reference to a non-resident parent includes reference to a person who is—

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(1) Section 4(5) was amended by [S.I. 2012/2007](#).

(2) Section 7(6) was amended by [S.I. 2012/2007](#).

(3) Section 4(1) was amended by section 1(2)(a) of, and paragraph 11(1) and (2) of Schedule 3 to, the 2000 Act and by [S.I. 2012/2007](#).

(4) The term “non-resident parent” was substituted for the term “absent parent” by paragraph 11(1) and (2) of Schedule 3 to the 2000 Act. The definition of “qualifying child” in section 3(1) of the Child Support Act 1991 ([c. 48](#)) (“the 1991 Act”) was amended by paragraph 11(1) and (2) of Schedule 3 to the 2000 Act.

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

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- (i) treated as the non-resident parent for the purposes of the 1991 Act<sup>(5)</sup>,
- (ii) an absent parent (which has the meaning given in section 54 of the 1991 Act before its substitution by section 26 of, and paragraph 11(1) and (2) of Schedule 3 to, the Child Support, Pensions and Social Security Act 2000), or
- (iii) treated as the absent parent for the purposes of the 1991 Act<sup>(6)</sup>.

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(5) A person may be treated as a non-resident parent for the purposes of the 1991 Act under regulation 50(2) of the Child Support Maintenance Calculation Regulations 2012 (S.I. 2012/2677) or regulation 8(2) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 (S.I. 2001/155).

(6) A person may be treated as an absent parent for the purposes of the 1991 Act under regulation 20(2) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (S.I. 1992/1815).