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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

**The Child Support Maintenance Calculation Regulations 2012**

**PART 2**

**APPLICATION FOR A MAINTENANCE CALCULATION**

**Applications under section 4 or 7 of the 1991 Act**

**9.**—(1) The Secretary of State may determine the form in which an application for a maintenance calculation is to be made and may require the applicant to provide such information or evidence as the Secretary of State reasonably requires in order to process the application (including, in the case of an application by a person with care, information sufficient to enable the person named as the non-resident parent to be identified).

(2) The application is to be taken to have been made when the application has been submitted to the Secretary of State in the required form and the information required under paragraph (1) has been provided.

**Multiple applications**

**10.**—(1) Where two or more applications for a maintenance calculation are made with respect to the same child the Secretary of State may determine which to proceed with.

(2) In making a determination under paragraph (1) the Secretary of State must have regard to the following order of priority—

- (a) an application by a person with care or a non-resident parent has priority over an application by a child under section 7 of the 1991 Act<sup>(1)</sup>;
- (b) otherwise an earlier application has priority over one made later.

(3) Where—

- (a) in relation to an application under section 4 or 7 of the 1991 Act<sup>(2)</sup>, both parents of a qualifying child are named as non-resident parents; or
- (b) an application is made under section 4 of that Act by both non-resident parents of a qualifying child,

the Secretary of State must proceed with the application in relation to each non-resident parent, treating it as a single application for a maintenance calculation in respect of that qualifying child.

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(1) Section 7 was amended by paragraph 21 of Schedule 7 to, and Schedule 8 to, the Social Security Act 1998 (c. 14), section 1(2) of, and paragraph 11(1) and (2) and (4) to Schedule 3 of, the 2000 Act, and by section 35(2) of the 2008 Act.

(2) Section 4 was amended by section 18(1) of the Child Support Act 1995 (c. 34), paragraph 19 of Schedule 7, and Schedule 8, to the Social Security Act 1998 c. 14, sections 1(2) and 2(1) to (3) of, and paragraph 11(1), (2) and (3) of Schedule 3 to, the 2000 Act and by section 35(1) of, and Schedule 8 to, the 2008 Act.

### **Notice of application**

**11.**—(1) Where an application has been made under section 4 or 7 of the 1991 Act the Secretary of State must, as soon as reasonably practicable, give written notice to the non-resident parent—

- (a) requesting such information as the Secretary of State may require to make the maintenance calculation; and
  - (b) where relevant, advising the non-resident parent of the power of the Secretary of State to make an estimate of income or a default maintenance decision.
- (2) The notice must be sent by post to the last known address of the non-resident parent.