
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Child Support Maintenance Calculation Regulations 2012

PART 3

DECISION MAKING

CHAPTER 5

NOTIFICATION OF DECISIONS

Notification – general

24.—(1) Notification of a decision made by the Secretary of State under section 11 (maintenance calculation), 12 (default or interim maintenance decision) or 17 (supersession) of the 1991 Act or of any revision of such a decision under section 16 of that Act must be given to the parties in accordance with this Chapter.

(2) Any such notification must include information as to the provisions relating to the revision and supersession of, and appeals from, decisions made under the 1991 Act.

Notification of a maintenance calculation

25.—(1) Notification of a decision made under section 11 or 12(2) of the 1991 Act⁽¹⁾ must set out—

- (a) the effective date of the maintenance calculation;
- (b) where relevant, the non-resident parent's gross weekly income, including—
 - (i) whether that is based on historic income or current income, and
 - (ii) if based on current income, whether that income has been estimated in accordance with regulation 42;
- (c) the number of qualifying children;
- (d) the number of relevant other children;
- (e) the weekly rate;
- (f) the amounts calculated in accordance with Part 1 of Schedule 1 to the 1991 Act and, where there has been an agreement to a variation or a variation has otherwise been taken into account, Part 5 of these Regulations (Variations);
- (g) where the weekly rate is adjusted by apportionment or to take account of shared care;
- (h) where the amount of child support maintenance is decreased—
 - (i) to take account of a child supported under a qualifying maintenance arrangement mentioned in paragraph 5A of Schedule 1 to the 1991 Act; or

(1) Section 12(2) was amended by Schedule 8 to the 2008 Act.

(ii) in accordance with regulation 52 (non-resident parent liable to maintain a child of the family or a child abroad) or regulation 53 (care provided in part by a local authority).

(2) A notification of a maintenance calculation made under section 12(1) of the 1991 Act (default maintenance decision) must set out—

- (a) the effective date of the maintenance calculation;
- (b) the default rate;
- (c) the number of qualifying children on which the rate is based; and
- (d) whether apportionment has been applied under regulation 49,

and must state the nature of the information required to enable a calculation decision to be made.

(3) Except with the written permission of the person concerned, a notice under this regulation must not include—

- (a) the address of any person other than the recipient of the notice (other than the address of the relevant office of the Secretary of State) or any other information the use of which could reasonably be expected to lead to any such persons being located; and
- (b) any other information the use of which could reasonably be expected to lead to any person other than the qualifying child or a party to the application being identified.

Notification of a revision or supersession

26.—(1) A notification of a decision made following the revision or supersession of a decision made under section 11 (the maintenance calculation), 12 (default or interim maintenance decision) or 17 (supersession) of the 1991 Act, whether as originally made or revised under section 16 of that Act, must, subject to the qualification in regulation 25(3), set out the information mentioned in regulation 25(1) and (2) in relation to the decision in question.

(2) The requirement in paragraph (1) does not apply where the Secretary of State has decided not to supersede a decision and in that case the Secretary of State must, where appropriate and as far as reasonably practicable, notify the parties of that decision.

Notification of cessation of a maintenance calculation

27.—(1) Where the Secretary of State decides that a maintenance calculation has ceased or is to cease to have effect, the Secretary of State must immediately notify the non-resident parent and person with care so far as that is reasonably practicable.

(2) Where a child under section 7 of the 1991 Act ceases to be a child for the purposes of that Act, the Secretary of State must immediately notify the persons mentioned in paragraph (1) and the other qualifying children with the meaning of section 7(2) of that Act.