
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations 2014

Exercise of the choice as to whether or not to stay in the statutory scheme

5.—(1) The right to make a choice required under paragraph 1(1) of Schedule 5 to the 2008 Act must be exercised in accordance with this regulation.

(2) An interested party must make a choice following receipt of written notice given by the Secretary of State.

(3) The notice to the interested parties must specify—

- (a) the liability end date; and
- (b) the manner in which they are to exercise a choice to remain in the statutory scheme.

(4) A party is taken to have received written notice in accordance with paragraph (2) on the second day after the notice is sent by post to that party's last known or notified address.

(5) A choice to remain in the statutory scheme must be made—

- (a) by way of an application to the Secretary of State for a maintenance calculation; and
- (b) before the liability end date.

(6) The Secretary of State may require information to be provided in an application made under paragraph (5) and may do so despite such information having been notified for the purposes of the existing case.

(7) The Secretary of State may withdraw a notice given under paragraph (2) where—

- (a) in the Secretary of State's opinion the notice was given in error; and
- (b) the date of withdrawal is earlier than 30 days from the liability end date.

(8) Where a decision is made under paragraph (7) the Secretary of State shall reimburse any application fee paid under regulations made under section 6(1) of the 2008 Act.

(9) In paragraph (8), "application fee" means any fee payable to the Secretary of State by the person making an application for child support maintenance under section 4(1) or 7(1) of the 1991 Act.