



# Child Support Act 1995

## 1995 CHAPTER 34

### *Application for a departure direction*

#### [<sup>F1</sup>2] **Preliminary consideration.**

In the 1991 Act, insert after section 28A—

##### **“ Preliminary consideration of applications.**

- (1) Where an application for a departure direction has been duly made to the Secretary of State, he may give the application a preliminary consideration.
- (2) Where the Secretary of State does so he may, on completing the preliminary consideration, reject the application if it appears to him—
  - (a) that there are no grounds on which a departure direction could be given in response to the application; or
  - (b) that the difference between the current amount and the revised amount is less than an amount to be calculated in accordance with regulations made by the Secretary of State for the purposes of this subsection and section 28F(4).
- (3) In subsection (2)—

“the current amount” means the amount of the child support maintenance fixed by the current assessment; and

“the revised amount” means the amount of child support maintenance which, but for subsection (2)(b), would be fixed if a fresh maintenance assessment were to be made as a result of a departure direction allowing the departure applied for.
- (4) Before completing any preliminary consideration, the Secretary of State may refer the current assessment to a child support officer for it to be reviewed as if an application for a review had been made under section 17 or 18.

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*Changes to legislation: There are currently no known outstanding effects for the Child Support Act 1995, Section 2. (See end of Document for details)*

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- (5) A review initiated by a reference under subsection (4) shall be conducted as if subsection (4) of section 17, or (as the case may be) subsection (8) of section 18, were omitted.
- (6) Where, as a result of a review of the current assessment under section 16, 17, 18 or 19 (including a review initiated by a reference under subsection (4)), a fresh maintenance assessment is made, the Secretary of State—
- (a) shall notify the applicant and such other persons as may be prescribed that the fresh maintenance assessment has been made; and
  - (b) may direct that the application is to lapse unless, before the end of such period as may be prescribed, the applicant notifies the Secretary of State that he wishes it to stand.”]

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#### **Textual Amendments**

- F1** S. 2 repealed (3.3.2003 for certain purposes) by 2000 c. 19, ss. 85, 86(1)(e)(2), Sch. 9 Pt. I (with s. 83(6)); S.I. 2003/192, art. 3, Sch.

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#### **Commencement Information**

- II** S. 2 partly in force; s. 2 not in force at Royal Assent see s. 30(4); s. 2 in force at 14.10.1996 for certain purposes by S.I. 1996/2630, art 2(1), Sch. Pt. I; s. 2 in force at 2.12.1996 for certain purposes by S.I. 1996/2630, art. 2(2), Sch. Pt. II

**Changes to legislation:**

There are currently no known outstanding effects for the Child Support Act 1995, Section 2.