



Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART I

CHILD SUPPORT

Maintenance calculations and interim and default maintenance decisions

1 Maintenance calculations and terminology.

- (1) In the ^{M1}Child Support Act 1991 (“the 1991 Act”), for section 11 (maintenance assessments) there shall be substituted—

“11 Maintenance calculations.

- (1) An application for a maintenance calculation made to the Secretary of State shall be dealt with by him in accordance with the provision made by or under this Act.
- (2) The Secretary of State shall (unless he decides not to make a maintenance calculation in response to the application, or makes a decision under section 12) determine the application by making a decision under this section about whether any child support maintenance is payable and, if so, how much.
- (3) Where—
 - (a) a parent is treated under section 6(3) as having applied for a maintenance calculation; but
 - (b) the Secretary of State becomes aware before determining the application that the parent has ceased to fall within section 6(1),he shall, subject to subsection (4), cease to treat that parent as having applied for a maintenance calculation.

Changes to legislation: Child Support, Pensions and Social Security Act 2000, Section 1 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (4) If it appears to the Secretary of State that subsection (10) of section 4 would not have prevented the parent with care concerned from making an application for a maintenance calculation under that section he shall—
 - (a) notify her of the effect of this subsection; and
 - (b) if, before the end of the period of one month beginning with the day on which notice was sent to her, she asks him to do so, treat her as having applied not under section 6 but under section 4.
- (5) Where subsection (3) applies but subsection (4) does not, the Secretary of State shall notify—
 - (a) the parent with care concerned; and
 - (b) the non-resident parent (or alleged non-resident parent), where it appears to him that that person is aware that the parent with care has been treated as having applied for a maintenance calculation.
- (6) The amount of child support maintenance to be fixed by a maintenance calculation shall be determined in accordance with Part I of Schedule 1 unless an application for a variation has been made and agreed.
- (7) If the Secretary of State has agreed to a variation, the amount of child support maintenance to be fixed shall be determined on the basis he determines under section 28F(4).
- (8) Part II of Schedule 1 makes further provision with respect to maintenance calculations.”
- (2) In the 1991 Act—
 - (a) for “maintenance assessment”, wherever it occurs, there shall be substituted “maintenance calculation”; and
 - (b) for “assessment” (or any variant of that term), wherever it occurs, there shall be substituted “calculation” (or the corresponding variant) preceded, where appropriate, by “a” instead of “an”.
- (3) For Part I of Schedule 1 to the 1991 Act, there shall be substituted the Part I set out in Schedule 1 to this Act.

Commencement Information

- II** [S. 1](#) partly in force; [s. 1](#) not in force at Royal Assent see [s. 86\(2\)](#); [s. 1\(3\)](#) in force for certain purposes at 10.11.2000 by [S.I. 2000/2994](#), [art. 2](#); [s. 1\(1\)\(2\)](#) in force for certain purposes at 3.3.2003 by [S.I. 2003/192](#), [art. 3](#), [Sch.](#)

Marginal Citations

- M1** [1991 c. 48](#).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 70A inserted by [2012 c. 5 Sch. 3 para. 13](#)
- Sch. 7 para. 1(2)(c) inserted by [2007 c. 5 Sch. 5 para. 13](#)
- Sch. 7 para. 6(5A)(5B) inserted by [2012 c. 5 Sch. 11 para. 13\(3\)](#)
- Sch. 7 para. 6(8)(b) inserted by [2012 c. 5 Sch. 11 para. 13\(4\)\(b\)](#)
- Sch. 7 para. 6(8)(a) words in Sch. 7 para. 6(8) renumbered as Sch. 7 para. 6(8)(a) by [2012 c. 5 Sch. 11 para. 13\(4\)\(a\)](#)

Commencement Orders yet to be applied to the Child Support, Pensions and Social Security Act 2000

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2003/346 art. 2](#) amendment to earlier commencing SI 2003/192 art. 6