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## STATUTORY INSTRUMENTS

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# 1992 No. 1813

## The Child Support (Maintenance Assessment Procedure) Regulations 1992

### PART II

#### APPLICATIONS FOR A MAINTENANCE ASSESSMENT

##### Applications under section 4<sup>F1</sup>... or 7 of the Act

2.—(1) Any person who applies for a maintenance assessment under section 4 or 7 of the Act shall do so on a form (a “maintenance application form”) provided by the Secretary of State.

(2) Maintenance application forms provided by the Secretary of State<sup>F2</sup>... under paragraph (1) shall be supplied without charge by such persons as the Secretary of State appoints or authorises for that purpose.

(3) A completed maintenance application form shall be given or sent to the Secretary of State.

(4) Subject to paragraph (5), an application for a maintenance assessment under the Act shall be an effective application if it is made on a maintenance application form and that form has been completed in accordance with the Secretary of State’s instructions.

(5) Where an application is not effective under the provisions of paragraph (4), the Secretary of State may—

- (a) give or send the maintenance application form to the person who made the application, together, if he thinks appropriate, with a fresh maintenance application form, and request that the application be re-submitted so as to comply with the provisions of that paragraph; or
- (b) request the person who made the application to provide such additional information or evidence as the Secretary of State specifies,

and if a completed application form or, as the case may be, the additional information or evidence requested is received by the Secretary of State within 14 days of the date of his request, he shall treat the application as made on the date on which the earlier or earliest application would have been treated as made had it been effective under the provisions of paragraph (4).

(6) Subject to paragraph (7), a person who has made an effective application may amend his application by notice in writing to the Secretary of State at any time before a maintenance assessment is made.

(7) No amendment under paragraph (6) shall relate to any change of circumstances arising after the effective date of a maintenance assessment resulting from an effective application.

**F1** Word in reg. 2 heading omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **2(3)(a)**

**F2** Words in reg. 2(2) omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **2(3)(b)**

### Applications on the termination of a maintenance assessment

3.—(1) Where a maintenance assessment has been in force with respect to a person with care and a qualifying child and that person is replaced by another person with care, an application for a maintenance assessment with respect to that person with care and that qualifying child may for the purposes of regulation 30(2)(b)(ii) and subject to paragraph (3) be treated as having been received on a date earlier than that on which it was received.

(2) Where a maintenance assessment has been made in response to an application by a child under section 7 of the Act and either—

- (a) [<sup>F3</sup>the Secretary of State] cancels that assessment following a request from that child; or
- (b) that child ceases to be a child for the purposes of the Act,

any application for a maintenance assessment with respect to any other children who were qualifying children with respect to the earlier maintenance assessment may for the purposes of regulation 30(2)(b)(ii) and subject to paragraph (3) be treated as having been received on a date earlier than that on which it was received.

(3) No application for a maintenance assessment shall be treated as having been received under paragraph (1) or (2) on a date—

- (a) more than 8 weeks earlier than the date on which the application was received; or
- (b) on or before the first day of the maintenance period in which the earlier maintenance assessment ceased to have effect.

<p><b>F3</b> Words in reg. 3(2)(a) substituted (1.6.1999) by <a href="#">The Child Support (Miscellaneous Amendments) (No. 2) Regulations 1999 (S.I. 1999/1047)</a>, regs. 1(1), <b>3</b></p>
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### Multiple applications

4.—(1) The provisions of Schedule 2 shall apply in cases where there is more than one application for a maintenance assessment.

(2) The provisions of paragraphs 1, 2 and 3 of Schedule 2 relating to the treatment of two or more applications as a single application shall apply where no request is received for the Secretary of State to cease acting in relation to all but one of the applications.

(3) Where, under the provisions of paragraph 1, 2 or 3 of Schedule 2, two or more applications are to be treated as a single application, that application shall be treated as an application for a maintenance assessment to be made with respect to all of the qualifying children mentioned in the applications, and the effective date of that assessment shall be determined by reference to the earlier or earliest application.

### Notice to other persons of an application for a maintenance assessment

5.—(1) [<sup>F4</sup>Subject to paragraph (2A), where] an effective application for a maintenance assessment has been made the Secretary of State shall as soon as is reasonably practicable give notice in writing of that application to the relevant persons other than the applicant.

(2) The Secretary of State shall [<sup>F5</sup>, subject to paragraph (2A),] give or send to any person to whom notice has been given under paragraph (1) a form (a “maintenance enquiry form”) and a written request that the form be completed and returned to him for the purpose of enabling the application for the maintenance assessment to be proceeded with.

[<sup>F6</sup>(2A) The provisions of paragraphs (1) and (2) shall not apply where the Secretary of State is satisfied that an application for a maintenance assessment can be dealt with in the absence of a completed and returned maintenance enquiry form.]

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Child Support (Maintenance Assessment Procedure) Regulations 1992*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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(3) Where the person to whom notice is being given under paragraph (1) is an absent parent, that notice shall specify the effective date of the maintenance assessment if one is to be made, and set out in general terms the provisions relating to interim maintenance assessments.

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| <b>F4</b> | Words in reg. 5(1) substituted (5.4.1993) by <a href="#">The Child Support (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/913)</a> , regs. 1(1), <b>2(2)</b> |
| <b>F5</b> | Words in reg. 5(2) inserted (5.4.1993) by <a href="#">The Child Support (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/913)</a> , regs. 1(1), <b>2(3)</b>    |
| <b>F6</b> | Reg. 5(2A) inserted (5.4.1993) by <a href="#">The Child Support (Miscellaneous Amendments) Regulations 1993 (S.I. 1993/913)</a> , regs. 1(1), <b>2(3)</b>            |

### Response to notification of an application for a maintenance assessment

**6.—(1)** Any person who has received a maintenance enquiry form given or sent under regulation 5(2) shall complete that form in accordance with the Secretary of State's instructions and return it to the Secretary of State within 14 days of its having been given or sent.

(2) Subject to paragraph (3), a person who has returned a completed maintenance enquiry form may amend the information he has provided on that form at any time before a maintenance assessment is made by notifying the Secretary of State in writing of the amendments.

(3) No amendment under paragraph (2) shall relate to any change of circumstances arising after the effective date of any maintenance assessment made in response to the application in relation to which the maintenance enquiry form was given or sent.

### Death of a qualifying child

**7.—(1)** Where [<sup>F7</sup>the Secretary of State] is informed of the death of a qualifying child with respect to whom an application for a maintenance assessment has been made, he shall—

- (a) proceed with the application as if it had not been made with respect to that child if he has not yet made an assessment;
- (b) treat any assessment already made by him as not having been made if the relevant persons have not been notified of it and proceed with the application as if it had not been made with respect to that child.

(2) Where all of the qualifying children with respect to whom an application for a maintenance assessment has been made have died, and either the assessment has not been made or the relevant persons have not been notified of it, [<sup>F8</sup>the Secretary of State] shall treat the application as not having been made.

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| <b>F7</b> | Words in reg. 7(1) substituted (1.6.1999) by <a href="#">The Child Support (Miscellaneous Amendments) (No. 2) Regulations 1999 (S.I. 1999/1047)</a> , regs. 1(1) <b>4</b>  |
| <b>F8</b> | Words in reg. 7(2) substituted (1.6.1999) by <a href="#">The Child Support (Miscellaneous Amendments) (No. 2) Regulations 1999 (S.I. 1999/1047)</a> , regs. 1(1), <b>4</b> |

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**Changes and effects yet to be applied to :**

- Regulations modified by [S.I. 1999/779 art. 2Sch.](#)
- Regulations revoked in part by [S.I. 2001/157 reg. 30\(1\)](#)
- [reg.SC rev.in pt. and amended by S.I. 1999/1047 reg 8](#)
- [reg.SD rev.in pt. and amended by S.I. 1999/1047 reg 9](#)
- [reg.31\(13\(2\) amended by S.I. 1998/2799 reg.2\(4\)\(a\)](#)

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

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

- [Sch. 1 para. 1\(a\) words substituted by S.I. 1999/977 reg. 5](#)
- [Sch. 1 para. 3\(a\) words substituted by S.I. 1999/977 reg. 5](#)
- [reg.8B\(1\) amended by S.I. 1998/2799 reg.2\(2\)\(a\)\(i\)](#)
- [reg.8B\(4\) amended by S.I. 1998/2799 reg.2\(2\)\(a\)\(ii\)](#)
- [regs.99A replaced \(by reg.9\) by S.I. 1999/1047 reg.10](#)
- [reg.9\(1\)\(iii\) amended by S.I. 1998/2799 reg.2\(2\)\(b\)](#)
- [reg.9A\(5\) amended by S.I. 1998/2799 reg.2\(2\)\(c\)](#)
- [reg. 10\(4\)\(c\)\(d\) substituted for reg. 10\(4\)\(c\) by S.I. 1994/227 reg. 2\(2\)](#)
- [reg.10\(4\)\(d\)\(e\) rev. in pt. by S.I. 1998/2799 reg.2\(2\)\(d\)\(vi\)](#)
- [reg. 10\(4\)\(d\)\(e\) substituted for reg. 10\(4\)\(d\) by S.I. 1996/2907 reg. 67\(6\)](#)
- [reg.11\(2A\) added by S.I. 1998/2799 reg.2\(2\)\(e\)](#)
- [reg. 15A\(2\) words added by S.I. 1996/1945 reg. 9](#)
- [regs.17-29 \(Pts. V-VIII\) replaced by S.I. 1999/1047 reg.16](#)
- [regs.18A18B18C18D \(Pt.VA\) added by S.I. 1998/2799 reg.2\(3\)](#)
- [regs.31-31C revoked by S.I. 1999/1047 reg.19](#)
- [reg.31C\(1\) amended by S.I. 1998/2799 reg.2\(4\)\(b\)](#)
- [reg. 31C\(3\) words substituted by S.I. 1996/1945 reg. 11](#)
- [reg.35A amended by S.I. 1999/1047 reg.25](#)
- [reg. 35A words substituted \(amendment to earlier affecting provision SI 1995/3261, reg. 37\) by S.I. 1995/3265 reg. 4](#)
- [reg. 36\(4A\) added by S.I. 1996/1945 reg. 14\(5\)](#)
- [reg. 40A revoked by S.I. 1996/3196 regs. 9](#)