
STATUTORY INSTRUMENTS

1992 No. 1813

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

PART X

MISCELLANEOUS PROVISIONS

Persons who are not persons with care

51.—(1) For the purposes of the Act the following categories of person shall not be persons with care—

- (a) a local authority;
- (b) a person with whom a child who is looked after by a local authority is placed by that authority under the provisions of the Children Act 1989(1);
- (c) in Scotland, a person with whom a child is boarded out by a local authority under the provisions of section 21 of the Social Work (Scotland) Act 1968(2).

(2) In paragraph (1) above—

“local authority” means, in relation to England and Wales, the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London and, in relation to Scotland, a regional council or an islands council;

“a child who is looked after by a local authority” has the same meaning as in section 22 of the Children Act 1989.

Terminations of maintenance assessments

52.—(1) Where the Secretary of State is satisfied that a question arises as to whether a maintenance assessment has ceased to have effect under the provisions of paragraph 16(1)(a) to (d) of Schedule 1 to the Act, he shall refer that question (a “termination question”) to a child support officer.

(2) Where a child support officer has made a decision on a termination question (a “termination decision”) he shall immediately notify the following persons of his decision, so far as that is reasonably practicable—

- (a) in a case falling within paragraph 16(1)(a) of Schedule 1 to the Act, the surviving relevant persons;
- (b) in a case falling within paragraph 16(1)(b), (c) or (d) of Schedule 1 to the Act, the relevant persons.

(1) 1989 c. 41.

(2) 1968 c. 49.

(3) Any notification under paragraph (2) shall give the reasons for the termination decision made, include information as to the provisions of section 18 of the Act, and explain the provisions of paragraph (4).

(4) The persons specified in paragraph (2) may apply to the Secretary of State for a review of a termination decision as if it were a case falling within section 18 of the Act and, subject to the modifications set out in paragraph (5), section 18(5) to (9) and (11) of the Act shall apply to such a review.

(5) The modifications referred to in paragraph (4) are—

- (a) section 18(6) of the Act shall have effect as if for “the refusal, assessment or cancellation ” there is substituted “the termination decision ”;
- (b) section 18(9) of the Act shall have effect as if for “a maintenance assessment or (as the case may be) a fresh maintenance assessment ” there is substituted “a different termination decision”.

(6) The provisions of regulation 24 as to time limits for an application for a review of a decision by a child support officer shall apply to reviews under paragraph (4).

(7) Where a child support officer has completed a review of a termination decision he shall immediately notify the persons specified in paragraph (2), so far as that is reasonably practicable, of the review decision, give the reasons for that decision in writing, and notify them of the provisions of section 20 of the Act.

(8) Where a case falls within regulation 19 of the Maintenance Assessments and Special Cases Regulations and both absent parents have made an application for a maintenance assessment under section 4 of the Act, the Secretary of State shall be under the duty imposed by section 4(6) of the Act only if both absent parents have, under section 4(5) of the Act, requested the Secretary of State to cease acting under section 4 of the Act.

Authorisation of representative

53.—(1) A person may authorise a representative, whether or not legally qualified, to receive notices and other documents on his behalf and to act on his behalf in relation to the making of applications and the supply of information under any provision of the Act or these Regulations.

(2) Where a person has authorised a representative for the purposes of paragraph (1) who is not legally qualified, he shall confirm that authorisation in writing to the Secretary of State.

Correction of accidental errors in decisions

54.—(1) Subject to regulation 56, accidental errors in any decision or record of a decision may at any time be corrected by a child support officer and a correction made to, or to the record of, a decision shall be deemed to be part of the decision or of that record.

(2) A child support officer who has made a correction under the provisions of paragraph (1) shall immediately notify the persons who were notified of the decision that has been corrected, so far as that is reasonably practicable.

Setting aside of decisions on certain grounds

55.—(1) Subject to paragraph (7) and regulation 56, on an application made by a relevant person, a decision may be set aside by a child support officer on the grounds that the interests of justice so require, and in particular that a relevant document in relation to that decision was not sent to, or was not received at an appropriate time by the person making the application or his representative or was sent but not received at an appropriate time by the child support officer who gave the decision.

(2) Any application made under paragraph (1) shall be in writing, shall include a statement of the grounds for the application, and shall be made by giving or sending it to the Secretary of State within 28 days of the date of notification of the decision in question.

(3) Where an application to set aside a decision is being considered by a child support officer under paragraph (1), he shall notify the relevant persons other than the applicant of the application and they shall be given 14 days to make representations as to that application.

(4) The provisions of regulation 25(6) shall apply to notifications under paragraph (5).

(5) A child support officer who has made a determination on an application to set aside a decision shall immediately notify the relevant persons, so far as that is reasonably practicable, and shall give the reasons for his determination in writing.

(6) For the purposes of determining an application to set aside a decision under this regulation, there shall be disregarded regulation 1(6)(b) and any provision in any enactment or instrument to the effect that any notice or other document required or authorised to be given or sent to any person shall be deemed to have been given or sent if it was sent by post to that person's last known or notified address.

(7) The provisions of paragraphs (1) to (6) shall not apply to any document given or sent under any provision of Part IX.

Provisions common to regulations 54 and 55

56.—(1) In determining whether the time limits specified in regulation 17, 19, 24 or 25 have been complied with, there shall be disregarded any day falling before the day on which notification is given of a correction made to, or to the record of, a decision made under regulation 54 or on which notification is given that a decision shall not be set aside following an application made under regulation 55, as the case may be.

(2) The power to correct errors under regulation 54 or set aside decisions under regulation 55 shall not be taken to limit any other powers to correct errors or set aside decisions that are exercisable apart from these Regulations.