

SCHEDULE

Regulation 26(3)

SCHEDULE TO BE INSERTED INTO THE MAINTENANCE  
ASSESSMENTS AND SPECIAL CASES REGULATIONS

“SCHEDULE 5

Regulation 28(5)

PROVISIONS APPLYING TO CASES TO WHICH  
SECTION 43 OF THE ACT AND REGULATION 28 APPLY

1. In this Schedule “relevant decision” means a decision of a child support officer given under section 43 of the Act (contribution to maintenance by deduction from benefit) and regulation 28.

2. A relevant decision may be reviewed by a child support officer, either on application by a relevant person or of his own motion, if it appears to him that the absent parent has at some time after that decision was given satisfied the conditions prescribed by regulation 28(1) or, as the case may be, no longer satisfies those conditions.

3. A relevant decision shall be reviewed by a child support officer when it has been in force for 52 weeks.

4.—(1) Before conducting a review under paragraph 6 the child support officer shall—

- (a) give 14 days' notice of the proposed review to the relevant persons (within the meaning of regulation 1(2) of the Maintenance Assessment Procedure Regulations); and
- (b) invite representations, either in person or in writing, from the relevant persons on any matter relating to the review and set out the provisions of sub-paragraphs (2) to (4) in relation to such representations.

(2) Subject to sub-paragraph (3), where the child support officer conducting the review does not, within 14 days of the date on which notice of the review was given, receive a request from a relevant person to make representations in person, or receives such a request and arranges for an appointment for such representations to be made but that appointment is not kept, he may complete the review in the absence of such representations from that person.

(3) Where the child support officer conducting the review is satisfied that there was good reason for failure to keep an appointment, he shall provide for a further opportunity for the making of representations by the relevant person concerned before he completes the review.

(4) Where the child support officer conducting the review does not receive written representations from a relevant person within 14 days of the date on which notice of the review was given, he may complete the review in the absence of written representations from that person.

5. After completing a review under paragraph 2, 3 or 6, the child support officer shall notify all relevant persons of the result of the review and—

- (a) in the case of a review under paragraph 2 or 3, of the right to apply for a further review under paragraph 6; and
- (b) in the case of a review under that paragraph, of the right of appeal under section 20 of the Act as applied by paragraph 8.

6. Where a child support officer has made a decision under regulation 28 or paragraph 2 or 3, any relevant person may apply to the Secretary of State for a review of that decision and, subject to the modifications set out in paragraph 7, the provisions of section 18(5) to (7) of the Act shall apply to such a review.

7. The modifications to the provisions of section 18(5) to (7) of the Act referred to in paragraph 6 are—

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) any reference in those provisions to a maintenance assessment shall be read as a reference to a relevant decision; and
  - (b) subsection 6 shall apply as if the reference to the cancellation of an assessment was omitted.
- 8.** The provisions of section 20 of the Act (appeals) shall apply in relation to a review or a refusal to review under paragraph 6.
- 9.** The provisions of paragraphs (1) and (2) of regulation 5 of the Child Support (Collection and Enforcement) Regulations 1992<sup>(1)</sup> shall apply to the transmission of payments in place of payments of child support maintenance under section 43 of the Act and regulation 28 as they apply to the transmission of payments of child support maintenance.”

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(1) S.I.1992/1989.