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## STATUTORY INSTRUMENTS

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# 1999 No. 1510

## The Social Security Act 1998 (Commencement No. 7 and Consequential and Transitional Provisions) Order 1999

### PART IV

#### AMENDMENT OF THE CHILD SUPPORT (MAINTENANCE ASSESSMENTS AND SPECIAL CASES) REGULATIONS 1992

##### Amendment of regulation 1

- 14.—(1) In regulation 1(2) <sup>M1</sup> (interpretation)—
- (a) in the definition of “day to day care”—
    - (i) for the words “child support officer, a period other than 12 months but ending with the relevant week” there shall be substituted the words “ Secretary of State, a period other than 12 months ”; and
    - (ii) for heads (iii) and (iv) there shall be substituted the following head—
      - “(iii) in a case where notification is given under regulation 24 of the Maintenance Assessment Procedure Regulations to the relevant persons on different dates, “relevant week” means the period of seven days immediately preceding the date of the latest notification;”;
  - (b) in the definition of “home”—
    - (i) for the words “child support officer” there shall be substituted the words “ Secretary of State ”; and
    - (ii) for the words “that officer” there shall be substituted the words “ the Secretary of State ”; and
  - (c) for the definition of “relevant week” there shall be substituted the following definition—
    - ““relevant week” means—
      - (a) in relation to an application for child support maintenance—
        - (i) in the case of the applicant, the period of seven days immediately preceding the date on which the appropriate maintenance assessment application form (being an effective application within the meaning of regulation 2(4) of the Maintenance Assessment Procedure Regulations) is submitted to the Secretary of State;
        - (ii) in the case of a person to whom a maintenance assessment enquiry form is given or sent as the result of such an application, the period of seven days immediately preceding the date on which that form is given or sent to him or, as the case may be, the date on which it is treated as having been given or sent to him under regulation 1(6)(b) of the Maintenance Assessment Procedure Regulations;

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- (b) where a decision (“the original decision”) is to be—
- (i) revised under section 16 of the Act; or
  - (ii) superseded by a decision under section 17 of the Act on the basis that the original decision was made in ignorance of, or was based upon a mistake as to some material fact or was erroneous in point of law,
- the period of seven days which was the relevant week for the purposes of the original decision;
- (c) where a decision (“the original decision”) is to be superseded by a decision under section 17 of the Act—
- (i) on an application made for the purpose on the basis that a material change of circumstances has occurred since the original decision was made, the period of seven days immediately preceding the date on which that application was made;
  - (ii) subject to paragraph (b), in a case where a relevant person is given notice under regulation 24 of the Maintenance Assessment Procedure Regulations <sup>M2</sup>, the period of seven days immediately preceding the date of that notification;

except that where, under paragraph 15 of Schedule 1 to the Act, the Secretary of State makes separate maintenance assessments in respect of different periods in a particular case, because he is aware of one or more changes of circumstances which occurred after the date which is applicable to that case under paragraph (a), (b) or (c) the relevant week for the purposes of each separate assessment made to take account of each such change of circumstances, shall be the period of seven days immediately preceding the date on which notification was given to the Secretary of State of the change of circumstances relevant to that separate maintenance assessment;”.

#### Marginal Citations

- M1** The relevant amending instruments are [S.I. 1993/913](#), [1995/1045](#), [1995/3261](#), [1996/3196](#) and [1998/58](#).  
**M2** [Regulation 24](#) was added by [S.I. 1999/1047](#).

#### Amendment of regulation 2

**15.** In regulation 2(3) <sup>M3</sup> (calculation or estimation of amounts), for the words “A child support officer” there shall be substituted the words “ The Secretary of State ”.

#### Marginal Citations

- M3** There are amendments to regulation 2 which are not relevant to this Order.

#### Amendment of regulations 7, 10A and 20

**16.** In regulations 7(4) <sup>M4</sup>, 10A(2)(b)(ii) <sup>M5</sup> and 20(2)(b)(ii), for the words “child support officer” there shall be substituted the words “ Secretary of State ”.

**Marginal Citations**

- M4 There is an amendment to regulation 7 which is not relevant to this Order.
- M5 [Regulation 10A](#) was inserted by [S.I. 1996/3196](#).

**Amendment of regulation 19**

17. In regulation 19 <sup>M6</sup> (both parents are absent)—
- (a) in paragraph (3), the words “or to a child support officer” shall be omitted; and
  - (b) in paragraph (4), for the words “child support officer” there shall be substituted the words “Secretary of State”.

**Marginal Citations**

- M6 The relevant amending instrument is [S.I. 1999/977](#).

**Amendment of regulation 22**

18. In regulation 22 <sup>M7</sup> (multiple applications relating to an absent parent)—
- (a) in paragraph (2B) for sub-paragraph (c) there shall be substituted the following sub-paragraph—
    - “(c) any of those assessments falls to be replaced by a fresh assessment to be made by virtue of a revision under section 16 of the Act or a decision under section 17 of the Act superseding an earlier decision,”; and
  - (b) in paragraph (2C) for the words “it is not reviewed under any of the provisions set out in” there shall be substituted the words “not within”.

**Marginal Citations**

- M7 Paragraph (2B) was inserted by [S.I. 1998/58](#).

**Amendment of Schedule 1**

19. In Schedule 1 <sup>M8</sup> (calculation of N and M)—
- (a) in paragraph 2—
    - (i) in sub-paragraphs (1), (1A) and (4), for the words “child support officer” in each place in which they occur there shall be substituted the words “Secretary of State”; and
    - (ii) in sub-paragraph (3A), for the words “a child support officer” there shall be substituted the words “the Secretary of State”;
  - (b) in paragraph 5—
    - (i) in sub-paragraph (2A), for the words “the officer” there shall be substituted the words “the Secretary of State”; and
    - (ii) in sub-paragraphs (2A), (3) and (5), for the words “child support officer” in each place in which they occur there shall be substituted the words “Secretary of State”;

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- (c) in paragraph 16(6), for the words “child support officer” in both places in which they occur there shall be substituted the words “ Secretary of State ”;
- (d) in paragraphs 26, 27 and 30, for the words “a child support officer” in each place in which they occur there shall be substituted the words “ the Secretary of State ”; and
- (e) in paragraphs 27, 30 and 31, for the words “child support officer” there shall be substituted the words “ Secretary of State ”.

#### Marginal Citations

**M8** The relevant amending instruments are [S.I. 1995/1045](#) and 1996/3196.

### Amendment of Schedule 3

**20.** In paragraph 2(k) <sup>M9</sup> of Schedule 3 (eligible housing costs), for the words “child support officer” there shall be substituted the words “ Secretary of State ”.

#### Marginal Citations

**M9** [Paragraph 2](#) was amended by [S.I. 1995/1045](#).

### Amendment of Schedule 3A

**21.** In Schedule 3A <sup>M10</sup> (amount to be allowed in respect of transfers of property)—

- (a) in paragraph 2(2)—
  - (i) for the words “a child support officer” there shall be substituted the words “ the Secretary of State ”; and
  - (ii) for the words “the officer” there shall be substituted the word “ he ”; and
- (b) for paragraph 3 there shall be substituted the following paragraph—

“**3.**—(1) Where an absent parent has notified the Secretary of State that he wishes him to consider whether an amount should be allowed in respect of the relevant value of a qualifying transfer, the Secretary of State shall—

- (a) give notice to the other parent of that application; and
- (b) have regard in determining the application to any representations made by the other parent which are received within the period specified in sub-paragraph (2).

(2) The period specified in this sub-paragraph is one month from the date on which the notice referred to in sub-paragraph (1)(a) above was sent or such longer period as the Secretary of State is satisfied is reasonable in the circumstances of the case.”.

#### Marginal Citations

**M10** [Schedule 3A](#) was inserted by [S.I. 1995/1045](#). There are amendments to Schedule 3A which are not relevant to this Order.

### Amendment of Schedule 3B

22. In paragraphs 1 (in the definition of “work place”), 4(b), 8(2), 10, 15(2) and 17 of Schedule 3B<sup>M11</sup> (amount to be allowed in respect of travelling costs), for the words “child support officer” there shall be substituted the words “ Secretary of State ”.

#### Marginal Citations

**M11** [Schedule 3B](#) was inserted by [S.I. 1995/1045](#) and amended by [S.I. 1995/3261](#).

### Amendment of Schedule 5

23. Paragraphs 1 to 8 of Schedule 5<sup>M12</sup> (provisions applying to cases to which section 43 of the Act and regulation 28 apply) shall be omitted.

#### Marginal Citations

**M12** [Schedule 5](#) was added by [S.I. 1993/913](#) and amended by [S.I. 1993/925](#) and [1995/1045](#).

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