

---

STATUTORY INSTRUMENTS

---

**2002 No. 1204**

**The Child Support (Miscellaneous  
Amendments) Regulations 2002**

**Amendment of the Decisions and Appeals Regulations**

2.—(1) The Decisions and Appeals Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 3A(1) (revision of child support decisions)—

(a) in paragraph (1)—

(i) after sub-paragraph (c) there shall be inserted—

“(cc) if an appeal is made under section 20 of the Child Support Act against a decision within the time prescribed in regulation 31, or in a case to which regulation 32 applies within the time prescribed in that regulation, but the appeal has not been determined;” and

(ii) at the end of sub-paragraph (e) there shall be added—

“; or

(f) if the grounds for revision are that a person with respect to whom a maintenance calculation was made was not, at the time the calculation was made, a parent of a child to whom the calculation relates.”;

(b) for paragraph (3) there shall be substituted—

“(3) In paragraphs (1), (2) and (5A) and in regulation 4(3) “decision” means a decision of the Secretary of State under section 11, 12 or 46 of the Child Support Act, or a determination of an appeal tribunal on a referral under section 28D(1)(b) of that Act, or any supersession of a decision under section 17 of that Act, whether as originally made or as revised under section 16 of that Act.”; and

(c) after paragraph (5) there shall be inserted—

“(5A) Where—

- (a) the Secretary of State makes a decision (“decision A”) and there is an appeal;
- (b) there is a further decision in relation to the appellant (“decision B”) after the appeal but before the appeal results in a decision by an appeal tribunal (“decision C”); and
- (c) the Secretary of State would have made decision B differently if he had been aware of decision C at the time he made decision B,

decision B may be revised at any time.”.

(3) In regulation 6B(4)(e) (circumstances in which a child support decision may not be superseded) the reference to “, (19)” shall be omitted.

(4) In regulation 7B (date from which a decision superseded under section 17 of the Child Support Act takes effect)(2)—

(a) after paragraph (1) there shall be inserted—

“(1A) Where a decision is superseded by a decision made by the Secretary of State in a case to which regulation 6A(2)(a) or (3) applies and the relevant circumstance is that—

(a) paragraph 4(2) of Schedule 1 to the Child Support Act applies, the decision shall take effect from the first day of the maintenance period on or after—

(i) the date on which the non-resident parent becomes the partner of a non-resident parent; or

(ii) where a maintenance calculation is first made in respect of the non-resident parent’s partner, the date on which that calculation takes effect for the purposes of the Child Support Act; or

(b) paragraph 4(2) of Schedule 1 to the Child Support Act ceases to apply, the decision shall take effect from the first day of the maintenance period on or after the date on which—

(i) the non-resident parent or his partner ceases to be a non-resident parent; or

(ii) the non-resident parent ceases to be the partner of a non-resident parent.”;

and

(b) paragraph (19) shall be omitted.

(5) In regulation 31(2)(3) (time within which an appeal is to be brought) after “regulation 3(1) or (3)” in both places where it occurs, there shall be inserted “or 3A(1)”.

---

(2) Regulation 7B was inserted into S.I. 1999/991 by regulation 9 of S.I. 2000/3185.

(3) Regulation 31(2) was amended by regulation 22 of S.I. 1999/2570.