
STATUTORY INSTRUMENTS

2003 No. 328

The Child Support (Miscellaneous Amendments) Regulations 2003

Amendment of the Maintenance Calculation Procedure Regulations

7.—(1) The Maintenance Calculation Procedure Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 5(1) (notice of an application for a maintenance calculation), after “Act, or”, there shall be inserted “an application”.

(3) In regulation 10 (circumstances in which a reduced benefit decision shall not be given), after paragraph (b) there shall be added—

“or

(c) an amount prescribed under section 9(5)(c) of the Tax Credits Act 2002 (increased elements of child tax credit for children or young persons with a disability) is included in an award of child tax credit payable to the parent in question or a member of that parent’s family living with him.”.

(4) In regulation 25(1) (effective dates of maintenance calculations), after “to 29”, there shall be inserted “and 31”.

(5) Regulation 29 (effective dates of maintenance calculations in specified cases)(1) shall be renumbered as paragraph (1) of that regulation and—

(a) in sub-paragraph (a), for “the day following the day”, there shall be substituted “the date”; and

(b) at the end there shall be added—

“(2) Where an application is treated as made under section 6(3) of the Act, references in sub-paragraphs (a) and (c) of paragraph (1) to “the date the application is made” shall mean whichever is the later of—

(a) the date of the claim for a prescribed benefit made by or in respect of the parent with care, as determined by regulation 6 of the Social Security (Claims and Payments) Regulations 1987(2); and

(b) the date on which the parent with care or her partner in the claim reports to the Secretary of State (in respect of a claim for a prescribed benefit) or to the Commissioners of Inland Revenue (in respect of a claim for a tax credit) a change of circumstances, which change—

(i) relates to an existing claim, in respect of the parent with care, for a prescribed benefit; and

(1) Regulation 29 was amended by S.I. 2002/1204.

(2) S.I. 1987/1968. Regulation 6 was amended by S.I. 1988/522, 1989/1686, 1990/725 and 2208, 1991/2284 and 2741, 1993/2113 and 2319, 1996/1460 and 2431, 1997/793, 1999/2572 and 3108, 2000/636, 897 and 1982, and 2001/567 and 892.

- (ii) has the effect that the parent with care is treated as applying for a maintenance calculation under section 6(1) of the Act (whether or not that section already applied to that parent with care).
- (3) For the purposes of—
- (a) paragraph (1), “ceased to have effect” means ceased to have effect under paragraph 16 of Schedule 1 to the Act⁽³⁾; and
 - (b) paragraph (2), “prescribed benefit” means a benefit referred to in section 6(1) of the Act or prescribed in regulations made under that section.”.
- (6) In regulation 30(2) (revocation and savings), for “regulation 31(2)”, there shall be substituted “regulation 31(1C)(b) and (2)”.
- (7) In regulation 31 (transitional provision—effective dates and reduced benefit decisions)⁽⁴⁾—
- (a) for paragraphs (1) and (2), there shall be substituted—
 - “(1) Where a maintenance assessment is, or has been, in force and an application to which regulation 29 applies is made, or is treated as made under section 6(3) of the Act, that regulation shall apply as if in paragraph (1) references to—
 - (a) a maintenance calculation in force were to a maintenance assessment in force;
 - (b) a maintenance calculation having been in force were to a maintenance assessment having been in force; and
 - (c) a non-resident parent in sub-paragraph (a), the first time it occurs in sub-paragraph (b) and in sub-paragraph (c)(iii), were to an absent parent.
 - (1A) Where regulation 28(7) of the Child Support (Transitional Provisions) Regulations 2000 (linking provisions) applies, the effective date of the maintenance calculation shall be the date which would have been the beginning of the first maintenance period in respect of the conversion decision on or after what, but for this paragraph, would have been the relevant effective date provided for in regulation 25(2) to (4).
 - (1B) The provisions of Schedule 3 shall apply where—
 - (a) an effective application for a maintenance assessment has been made under the former Act (“an assessment application”); and
 - (b) an effective application for a maintenance calculation is made or an application for a maintenance calculation is treated as made under the Act (“a calculation application”).
 - (1C) Where the provisions of Schedule 3 apply and, by virtue of regulation 4(3) of the Assessment Procedure Regulations, the relevant date would be—
 - (a) before the prescribed date, the application to be proceeded with shall be treated as an application for a maintenance assessment;
 - (b) on or after the prescribed date, that application shall be treated as an application for a maintenance calculation and the effective date of that maintenance calculation shall be the date which would be the assessment effective date if a maintenance assessment were to be made.
 - (2) Where—
 - (a) an application for a maintenance assessment was made before the prescribed date; and

(3) See the Child Support Act 1991 (c. 48); paragraph 16 of Schedule 1 was amended by Schedule 9 to the Child Support, Pensions and Social Security Act 2000.

(4) Regulation 31 was amended by S.I. 2002/1204.

(b) the assessment effective date of that application would be on or after the prescribed date,

the application shall be treated as an application for a maintenance calculation and the effective date of that maintenance calculation shall be the date which would be the assessment effective date if a maintenance assessment were to be made.”;

(b) in paragraph (4), for the words before “is before”, there shall be substituted “Where the assessment effective date”; and

(c) in paragraph (8)(a)—

(i) after the definition of “2000 Act”, there shall be inserted—

““absent parent” has the meaning given in section 3(2) of the former Act;

“assessment effective date” means the effective date of the maintenance assessment under regulation 30 or 33(7) of the Assessment Procedure Regulations⁽⁵⁾ or regulation 3(5), (7) or (8) of the Maintenance Arrangements and Jurisdiction Regulations⁽⁶⁾, whichever applied to the maintenance assessment in question or would have applied had the effective date not been determined under regulation 8C or 30A of the Assessment Procedure Regulations;” and

(ii) after the definition of “prescribed date”, there shall be added—

“and

“relevant date” means the date which would be the assessment effective date of the application which is to be proceeded with in accordance with Schedule 3, if a maintenance assessment were to be made.”.

(8) After Schedule 2 (multiple applications) there shall be added, as Schedule 3, the Schedule set out in the Schedule to these Regulations.

(5) Regulation 30 was amended by [S.I. 1995/123](#), [1045](#) and [3261](#), [1996/1945](#) and [1999/1047](#) and is revoked, with savings, by [S.I. 2001/157](#). Regulation 33(7) was inserted by [S.I. 1995/3261](#) and is revoked, with savings, by [S.I. 2001/157](#).

(6) Regulation 3 was amended by [S.I. 1995/123](#), [1045](#) and [3261](#) and [1999/1510 \(C. 43\)](#) and is amended by [S.I. 2001/161](#). Paragraphs (5) to (8) are omitted, with savings, by [S.I. 2001/161](#).