

[See S.I. 1999/779 at page 1.6401 for details of treatment of persons and payments participating in New Deal 25 plus].

Extracts from:—

1992 No. 1813

FAMILY LAW

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

Made - - - - - *20th July 1992*

Coming into force *5th April 1993*

Only Part IX (i.e. regulations 34–50) is reproduced

PART IX

REDUCED BENEFIT DIRECTIONS

Prescription of disability working allowance for the purposes of section 6 of the Act

34. Disability working allowance shall be a benefit of a prescribed kind for the purposes of section 6 of the Act.

►Periods for compliance with obligations imposed by section 6 of the Act

35. The period specified for the purposes of section 46(2) of the Act is—

- (a) except where paragraph (b) applies, four weeks from the date on which the Secretary of State serves notice under that subsection; or
- (b) eight weeks from that date where the Secretary of State has received, within two weeks of serving that notice, a statement in writing from the parent with care which sets out the reasons why she believes that, if she were to be required to comply with an obligation imposed by section 6 of the Act, there would be a risk, as a result of that compliance, of her or any child or children living with her suffering harm or undue distress.◀

Reg. 35 substituted by reg. 24 of S.I. 1999/1047 as from 1.6.99.

►Circumstances in which a reduced benefit direction shall not be given

35A. ►The Secretary of State◀ shall not after 22nd January 1996 give a reduced benefit direction where—

- (a) income support is paid to or in respect of the parent in question and the applicable amount of the claimant for income support includes one or more of the amounts set out in paragraph 15(3), (4) or (6) of Part IV of Schedule 2 to the Income Support (General) Regulations 1987(a); or
 - (aa) income-based jobseeker's allowance is paid to or in respect of the parent in question and the applicable amount of the claimant for income-based jobseeker's allowance includes one or more of the amounts set out in paragraph 20(4), (5) or (7) of Schedule 1 to the Jobseeker's Allowance Regulations; or◀

Reg. 35A inserted by reg. 37 of Child Support (Misc. Amdts.) (No. 2) Regs. 1995 (S.I. 1995/3261) as from 22.1.96.

Words substituted in reg. 35A by reg. 25 of S.I. 1999/1047 as from 1.6.99.

Reg. 35A(aa) inserted by reg. 5(5) of S.I. 1996/1345 as from 7.10.96.

(a) S.I. 1987/1967. Part IV of Schedule 2 was substituted by S.I. 1995/559.

- (b) an amount equal to one or more of the amounts specified in subparagraph (a) is included, by virtue of regulation 9 of the Maintenance Assessments and Special Cases Regulations, in the exempt income of the parent in question and family credit or disability working allowance is paid to or in respect of that parent.◀

**CHILD SUPPORT (MAINTENANCE ASSESSMENT
PROCEDURE) REGULATIONS 1992**

S.I. 1992/1813

Regs. 35A

Regs. 36

Amount of and period of reduction of relevant benefit under a reduced benefit direction

36.—(1) The reduction in the amount payable by way of a relevant benefit to, or in respect of, the parent concerned and the period of such reduction by virtue of a direction shall be determined in accordance with paragraphs (2) to (9).

Words substituted in reg. 36(2) for “and 40” by reg. 5(6)(a) of S.I. 1996/1345 as from 7.10.96.

Words substituted for “26 weeks” and formula substituted for “0.2 X B” in reg. 36(2) by regs. 14(2) and 25(3) of S.I. 1996/1945 where reduced benefit direction was first given on or after 7.10.96.

Words substituted in reg. 36(2) for “and 40” by reg. 5(6)(a) of S.I. 1996/1345 as from 7.10.96.

(2) Subject to paragraph (6) and regulations 37, 38(7)▶, 40 and 40ZA◀, there shall be a reduction for a period of ▶156 weeks◀ from the day specified in the direction under the provisions of section 46(9) of the Act in respect of each such week equal to

$$\blacktriangleright 0.4 \times B \blacktriangleleft$$

where B is an amount equal to the weekly amount, in relation to the week in question, specified in column (2) of paragraph 1(1)(e) of the applicable amounts Schedule.

Reg. 36(2), as saved for cases where reduced benefit direction was first given before 7.10.96 by reg. 25(3) of S.I. 1996/1945, is reproduced as follows:-

(2) Subject to paragraph (6) and regulations 37, 38(7)▶, 40 and 40ZA◀, there shall be a reduction for a period of 26 weeks from the day specified in the direction under the provisions of section 46(9) of the Act in respect of each such week equal to

$$0.2 \times B$$

where B is an amount equal to the weekly amount, in relation to the week in question, specified in column (2) of paragraph 1(1)(e) of the applicable amounts Schedule.

Reg. 36(3) deleted by res. 14(3) and 25(3) of S.I. 1996/1945 where reduced benefit direction was first given on or after 7.10.96.

Words substituted in reg. 36(3) for “and 40” by reg. 5(6)(a) of S.I. 1996/1345 as from 7.10.96.

(3) ▶◀

Reg. 36(3), as saved for cases where reduced benefit direction was first given before 7.10.96 by reg. 25(3) of S.I. 1996/1945, is reproduced as follows:-

(3) Subject to paragraph (6) and regulations 37, 38(7) ▶, 4 and 40ZA◀, at the end of the period specified in paragraph (2) there shall be a reduction from the day immediately succeeding the last day of that period for a period of 52 weeks of an amount in respect of each week equal to

$$0.1 \times B$$

where B has the same meaning as in paragraph (2).

Words in reg. 36(4) substituted by reg. 38(2) of S.I. 1995/1045 as from 18.4.95 (see also transl. prov. in reg. 64(1) *ibid.*).

Reg. inserted in reg. 36(4) by regs. 14(4) and 25(3) of S.I. 1996/1945 where reduced benefit direction was first given on or after 7.10.96.

Reg. 36(4A) inserted by regs. 14(5) and 25(3) of S.I. 1996/1945 where reduced benefit direction was first given on or after 7.10.96.

Reg. 36(5A)–(5E) inserted by reg. 38(3) of S.I. 1995/1045 as from 18.4.95 (see also transl. prov. in reg. 64(1) *ibid.*).

(4) ▶ Subject to paragraphs ▶(4A),◀ (5), (5A) and (5B)◀, a direction shall come into operation on the first day of the second benefit week following the review, carried out by the adjudication officer in consequence of the direction, of the relevant benefit that is payable.

(4A) ▶ Subject to paragraphs (5), (5A) and (5B)◀ a direction shall come into operation on the first day of the second benefit week following the review, carried out by the adjudication officer in consequence of the direction, of the relevant benefit that is payable.

(5) Where the relevant benefit is income support and the provisions of regulation 26(2) of the Social Security (Claims and Payments) Regulations 1978(a) (deferment of payment of different amount of income support) apply, a direction shall come into operation on such later date as may be determined by the Secretary of State in accordance with those provisions.

▶(5A) Where the relevant benefit is family credit or disability working allowance and, at the time a direction is given, a lump sum payment has already been made under the provisions of regulation 27(1A) of the Social Security (Claims and Payments) Regulations 1987(b) (payment of family credit or disability working allowance by lump sum) the direction shall, subject to paragraph (5B), come into operation on the first day of any benefit week which immediately follows the period in respect of which the lump sum payment was made, or the first day of any benefit week which immediately follows 18th April 1995 if later.

(a) S.I. 1987/1968; relevant amending instruments are S.I. 1988/522 and 1989/136.

(b) Regulation 27(1A) was inserted into S.I. 1987/1968 by S.I. 1993/2113.

(5B) Where the period in respect of which the lump sum payment was made is not immediately followed by a benefit week, but family credit or disability working allowance again becomes payable, or income support ►or income-support based jobseeker's allowance◄ becomes payable, during a period of 52 weeks from the date the direction was given, the direction shall come into operation on the first day of the second benefit week which immediately follows the expiry of a period of 14 days from service of the notice specified in paragraph (5C).

Words inserted in reg. 36(5B) by reg. 5(6)(b) of S.I. 1996/1345 as from 7.10.96.

(5C) Where paragraph (5B) applies, the parent to or in respect of whom family credit or disability working allowance has again become payable, or income support ►or income-support based jobseeker's allowance◄ has become payable, shall be notified in writing by ►the Secretary of State◄ that the amount of family credit, disability working allowance ►, income support or income-based jobseeker's allowance◄ paid to or in respect of her will be reduced in accordance with the provisions of paragraph (5B) if she continues to fail to comply with the obligations imposed by section 6 of the Act.

(a) Words inserted, and words substituted for "or income support", in reg. 36(5C) by reg. 5(6)(c)(i) and (ii) respectively of S.I. 1996/1345 as from 7.10.96.

(5D) Where—

Words substituted in reg. 36(5C) by reg. 26(b) of S.I. 1999/1047 as from 1.6.99.

- (a) family credit or disability working allowance has been paid by lump sum under the provisions of regulation 27(1A) of the Social Security (Claims and Payments) Regulations 1987 (whether or not a benefit week immediately follows the period in respect of which the lump sum payment was made); and
- (b) where income support ►or income-support based jobseeker's allowance◄ becomes payable to or in respect of a parent to or in respect of whom family credit or disability working allowance was payable at the time the direction referred to in paragraph (5A) was made, income support ►or, as the case may be, income-based jobseeker's allowance◄ shall become a relevant benefit for the purposes of that direction and the amount payable by way of income support ►or, as the case may be, income-based jobseeker's allowance◄ shall be reduced in accordance with that direction.

See note (a) above.

Words inserted in reg. 36(5D)(b) of S.I. 1996/1345 as from 7.10.96.

(5E) In circumstances to which paragraph (5A) or (5B) applies, where no relevant benefit has become payable during a period of 52 weeks from the date on which a direction was given, it shall lapse. ◄

►(6) Where the benefit payable is income support or income-based jobseeker's allowance and there is a change in the benefit week whilst a direction is in operation, the period of the reduction specified in paragraph (2) shall be a period greater than 155 weeks but less than 156 weeks and ending on the last day of the last benefit week falling entirely within the period of 156 weeks specified in that paragraph. ◄

Reg. 36(6) substituted by regs. 14(6) and 25(3) of S.I. 1996/1945 where reduced benefit direction was first given on or after 7.10.96.

Reg. 36(6), as saved where reduced benefit direction was first given before 7.10.96 by reg. 25(3) of S.I. 1996/1945, is reproduced as follows:-

- (6) Where the benefit payable is income support ►or income-based jobseeker's allowance◄ and there is a change in the benefit week whilst a direction is in operation, the periods of the reductions specified in paragraphs (2) and (3) shall be—
 - (a) where the reduction is that specified in paragraph (2), a period greater than 25 weeks but less than 26 weeks;
 - (b) where the reduction is that specified in paragraph (3), a period greater than 51 weeks but less than 52 weeks,and ending on the last day of the last benefit week falling entirely within the period of 26 weeks specified in paragraph (2), or the period of 52 weeks specified in paragraph (3), as the case may be.

Word inserted in reg. 36(6) by reg. 5(6)(b) of S.I. 1996/1345 as from 7.10.96.

(7) Where the weekly amount specified in column (2) of paragraph 1(1)(e) of the applicable amounts Schedule changes on a day when a direction is in operation, the amount of the reduction of the relevant benefit shall be changed—

- (a) where the benefit is income support ►for income-based jobseeker's allowance◄ from the first day of the first benefit week to commence for the parent concerned on or after the day that weekly amount changes;

Words inserted in reg. 36(7) by reg. 5(6)(b) of S.I. 1996/1345 as from 7.10.96.

- (b) where the benefit is family credit or disability working allowance, from the first day of the next award period of that benefit for the parent concerned commencing on or after the day that weekly amount changes.

(8) Only the direction in relation to a parent shall be in force at any one time.

(9) ►◄

Reg. 36(9) deleted by regs. 14(3) and 25(3) of S.I. 1996/1945 where reduced benefit direction was first given on or after 7.10.96.

Reg. 36(9), as saved for cases where reduced benefit direction was first given before 7.10.96 by reg. 25(3) of S.I. 1996/1945, is reproduced as follows;

(9) Where a direction has been in operation for the aggregate of the periods specified in paragraphs (2) and (3) ("the full period"), no further direction shall be given with respect to the same parent on account of that parent's failure to comply with the obligations imposed by section 6 of the Act in relation to any child in relation to whom the direction that has been in operation for the full period was given.

Modification of reduction under a reduced benefit direction to preserve minimum entitlement to relevant benefit

37. Where in respect of any benefit week the amount of the relevant benefit that would be payable after it has been reduced following a direction would, but for this regulation, be nil or less than the minimum amount of that benefit that is payable as determined—

(a) in the case of income support, by regulation 26(4) of the Social Security (Claims and Payments) Regulations 1987;

(aa) in the case of income-based jobseeker's allowance, by regulation ►87A of the Jobseeker's Allowance Regulations 1996(a);◄

(b) in the case of family credit and disability working allowance, by regulation 27(2)►of the Social Security (Claims and Payments) Regulations 1987◄,

the amount of that reduction shall be decreased to such extent as to raise the amount of that benefit to the minimum amount that is payable.

Reg. 37 (aa) inserted by reg. 5(7) of S.I. 1996/1345 as from 7.10.96.

Words substituted in reg. 37(aa) by reg. 6(2)(a) of S.I. 1996/2538 as from 28.10.96.

Words substituted in reg. 37(b) by reg. 6(2)(b) of S.I. 1996/2538 as from 28.10.96.

Suspension of a reduced benefit direction when relevant benefit ceases to be payable.

38.—(1) Where relevant benefit ceases to be payable to, or in respect of, the parent concerned at a time when a direction is in operation, that direction shall, subject to paragraph (2), be suspended for a period of 52 weeks from the date the relevant benefit has ceased to be payable.

(2) Where a direction has been suspended for a period of 52 weeks and no relevant benefit is payable at the end of that period, it shall cease to be in force.

(3) Where a direction is suspended and relevant benefit again becomes payable to or in respect of the parent concerned, the amount payable by way of that benefit shall, subject to regulations 40, ►40ZA, ◄41 and 42, be reduced in accordance with that direction for the balance of the reduction period.

(4) The amount or, as the case may be, amounts of the reduction to be made during the balance of the reduction period shall be determined in accordance with regulation 36(2)►◄.

(5) No reduction in the amount of benefit under paragraph (3) shall be made before the expiry of a period of 14 days from service of the notice specified in paragraph (6), and the provisions of regulation 36(4) shall apply as to the date when the direction again comes in operation.

(6) Where relevant benefit again becomes payable to or in respect of a parent with respect to whom a direction is suspended she shall be notified in writing by ►the Secretary of State◄ that the amount of relevant benefit paid to or in respect of her will again be reduced, in accordance with the provisions of paragraph (3), if she continues to fail to comply with the obligations imposed by section 6 of the Act.

Ref. inserted in reg. 38(3) by reg. 5(8) of S.I. 1996/1345 as from 7.10.96.

Words "and (3)" deleted from reg. 38(4) by reg. 15 of S.I. 1996/1945 as from 7.10.96.

Words substituted in reg. 38(b) by reg. 27 of S.I. 1999/1047 as from 1.6.99.

(a) S.I. 1992/207; regulation 4 87A was inserted by S.I. 1996/1517.

(7) Where a direction has ceased to be in force by virtue of the provisions of paragraph (2), a further direction in respect of the same parent given on account of that parent's failure to comply with the obligations imposed by section 6 of the Act in relation to one or more of the same qualifying children shall, unless it also ceases to be in force by virtue of the provisions of paragraph (2), be in operation for the balance of the reduction period relating to the direction that has ceased to be in force, and the provisions of paragraph (4) shall apply to it.

Reduced benefit direction where family credit or disability working allowance is payable and income support becomes payable

39.—(1) Where a direction is in operation in respect of a parent to whom or in respect of whom family credit or disability working allowance is payable, and income support ►or income-based jobseeker's allowance◄ becomes payable to or in respect of that parent, income support ►or, as the case may be, income-based jobseeker's allowance◄ shall become a relevant benefit for the purposes of that direction, and the amount payable by way of income support ►or, as the case may be, income-based jobseeker's allowance◄ shall be reduced in accordance with that direction for the balance of the reduction period.

Words inserted in reg. 39(1) by reg. 5(9) of S.I. 1996/1945 as from 7.10.96.

(2) The amount or, as the case may be, the amounts of the reduction to be made during the balance of the reduction period shall be determined in accordance with regulation 36(2)►◄.

Words "and (3)" deleted from reg. 39(2) by reg. 16 of S.I. 1996/1945 as from 7.10.96.

Suspension of a reduced benefit direction when a modified applicable amount is payable.

40.—(1) Where a direction is given or is in operation at a time when income support is payable to or in respect of the parent concerned but her applicable amount falls to be calculated under the provisions mentioned in paragraph (3), that direction shall be suspended for so long as the applicable amount falls to be calculated under the provisions mentioned in that paragraph, or 52 weeks, whichever period is the shorter.

►(1A) Where a direction is given or is in operation at a time when income support is payable to or in respect of the parent concerned, but her applicable amount includes a residential allowance under regulation 17 of, and paragraph 2A of Schedule 2 to, the Income Support Regulations(a) (applicable amounts for those in residential care or nursing homes), that direction shall be suspended for as long as her applicable amount includes a residential allowance under regulation 17 and paragraph 2A of Schedule 2, or 52 weeks, whichever period is the shorter.◄

Reg. 40(1A) inserted by reg. 39(2) of S.I. 1995/1045 as from 18.4.95 (see also transl.prov. in reg. 64(1)ibid.).

(2) Where a case falls within paragraph (1) ►or (1A)◄ and a direction has been suspended for a period of 52 weeks, it shall cease to be in force.

Words inserted in reg. 40(2) by reg. 39(3) of S.I. 1995/1045 as from 13.4.95 (see also transl. prov. in reg. 64(1) ibid.).

(3) The provisions of paragraph (1) shall apply where the applicable amount in relation to the parent concerned falls to be calculated under—

- (a) regulation 19 of and Schedule 4 to the Income Support Regulations (applicable amounts for persons in residential care and nursing homes);
- (b) regulation 21 of and paragraphs 1 to 3 of Schedule 7 to the Income Support Regulations (patients);
- (c) regulation 21 of and paragraphs 10B, 10C ►◄ and 13 of Schedule 7 to the Income Support Regulations (persons in residential accommodation).

Ref. deleted in reg. 40(3)(c) by reg. 13 of S.I. 1993/913 as from 5.4.93.

►Suspension of a reduced benefit direction in the case of modified applicable amounts in jobseeker's allowance

Ref. 40ZA inserted by reg. 5(10) of S.I. 1996/1345 as from 7.10.96.

40ZA.—(1) Where a direction is given or is in operation at a time when income-based jobseeker's allowance is payable to or in respect of the parent concerned but her applicable amount falls to be calculated under the provisions mentioned in paragraph (4), that direction shall be suspended for so long as the applicable amount falls to be calculated under those provisions, or 52 weeks, whichever period is the shorter.

(a) Regulation 17 was amended and paragraph 2A added by S.I. 1992/3147. Paragraph 2A(1) was substituted by S.I. 1994/542.

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(2) Where a direction is given or is in operation at a time when income-based jobseeker's allowance is payable to or in respect of the parent concerned, but her applicable amount includes a residential allowance under regulation 83(c) of and paragraph 3 of Schedule 1 to the Jobseeker's Allowance Regulations (persons in residential care or nursing homes), that direction shall be suspended for as long as her applicable amount includes such a residential allowance, or 52 weeks, whichever period is the shorter.

(3) Where a case falls within paragraph (1) or (2) and a direction has been suspended for a period of 52 weeks, it shall cease to be in force.

(4) The provisions of paragraph (1) shall apply where the applicable amount in relation to the parent concerned falls to be calculated under—

- (a) regulation 85 of and paragraph 1 or 2 of Schedule 5 to the Jobseeker's Allowance Regulations (patients);
- (b) regulation 85 of and paragraph 8, 9 or 15 of Schedule 5 to the Jobseeker's Allowance Regulations (persons in residential accommodation); or
- (c) regulation 86 of and Schedule 4 to the Jobseeker's Allowance Regulations (applicable amounts for persons in residential care and nursing homes).◀

Reg. 40A revoked by
reg. 9 of S.I. 1996/3196
as from 13.1.97.



►Termination of reduced benefit direction

41. A reduced benefit direction shall cease to be in force—

- (a) where a parent with care, with respect to whom such a direction is in force, complies with the obligations imposed by section 6 of the Act;
- (b) upon an application made for the purpose where the Secretary of State is satisfied that a parent with care, with respect to whom such a direction is in force, should not be required to comply with the obligations imposed by section 6 of the Act;
- (c) where a qualifying child of a parent with respect to whom a direction is in force applies for a maintenance assessment to be made with respect to him under section 7 of the Act and an assessment is made in response to that application in respect of all of the qualifying children in relation to whom the parent concerned failed to comply with the obligations imposed by section 6 of the Act; or
- (d) where—
 - (i) an absent parent applies for a maintenance assessment to be made under section 4 of the Act with respect to all of his qualifying children in relation to whom the other parent of those children is a person with care;
 - (ii) a direction is in force with respect to that other parent following her failure to comply with the obligations imposed by section 6 of the Act in relation to those qualifying children; and
 - (iii) an assessment is made in response to that application by the absent parent for a maintenance assessment.◀

Reg. 41 to 46 substituted for reg 41 by reg. 28 of S.I. 1999/1047 as from 1.6.99.

Reduced benefit directions where there is an additional qualifying child

47.—(1) Where a direction is in operation or would be in operation but for the provisions of regulation 40 ►or 40ZA◀ and ►the Secretary of State◀ gives a further direction with respect to the same parent on account of that parent failing to comply with the obligations imposed by section 6 of the Act in relation to an additional qualifying child of whom she is a person with care, the earlier direction shall cease to be in force ►◀.

(2) Where a further direction comes into operation in a case falling within paragraph (1), the provisions of regulation 36 shall apply to it.

►(3) Where—

- (a) a direction (“the earlier direction”) has ceased to be in force by virtue of regulation 38(2); and
- (b) ►the Secretary of State◀ gives a direction (“the further direction”) with respect to the same parent on account of that parent’s failure to comply with the obligations imposed by section 6 of the Act in relation to an additional qualifying child,

as long as that further direction remains in force, no additional direction shall be brought into force with respect to that parent on account of her failure to comply with the obligations imposed by section 6 of the Act in relation to one or more children in relation to whom the earlier direction was given.◀

(4) Where a case falls within paragraph (1) or (3) and the further direction, but for the provisions of this paragraph would cease to be in force by virtue of the provisions of regulation 41 or 42, but the earlier direction would not have ceased to be in force by virtue of the provisions of those regulations, the later direction shall continue in force for a period (“the extended period”) calculated in accordance with the provisions of paragraph (5) and the reduction of relevant benefit ►for the extended period shall be determined in accordance with regulation 36(2).◀

Reg. 47 as in force for directions made on or after 7.10.96., subj. to transl. saving in reg. 25(4) of S.I. 1996/1945 (see below for saved version of reg. 47)

Words inserted in reg. 47(1) by reg. 5 (11) of S.I. 1996/1345 as from 7.10.96.

Words substituted & revoked in reg. 47(1) by reg. 29(a) of S.I. 1999/1047 as from 1.6.99.

Reg. 47(3) substituted by reg. 17(2) of S.I. 1996/1945 for directions made on or after 7.10.96, subj. to transl. saving in reg. 25(4) *ibid*.

Words substituted in reg. 47(3)(b) by reg. 29(b) of S.I. 1999/1047 as from 1.6.99.

Words in reg. 47(4) substituted by reg. 17(3) of S.I. 1996/1945 for directions made on or after 7.10.96, subj. to transl. saving in reg. 25(4) *ibid*.

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(5) The extended period for the purposes of paragraph (4) shall be

$$\blacktriangleright(156 - F - S) \text{ weeks} \blacktriangleleft$$

where—

F is the number of weeks for which the earlier direction was in operation; and
S is the number of weeks for which the later direction has been in operation.

(6) and (7) $\blacktriangleright\blacktriangleleft$

(8) In this regulation “an additional qualifying child” means a qualifying child of whom the parent concerned is a person with care and who was either not such a qualifying child at the time the earlier direction was given or had not been born at the time the earlier direction was given. \blacktriangleleft

Reg. 47 as continuing in force by virtue of reg. 25(4) of S.I. 1996/1945, for reduced benefit direction made before 7.10.96, and also for “further directions” made on or after that date where an “earlier direction” (within the meaning of those terms in reg. 47(4) had been given before that date, is reproduced below in small print:-

Reduced benefit directions where there is an additional qualifying child

47.—(1) Where a direction is in operation or would be in operation but for the provisions of regulation 40 \blacktriangleright or 40ZA \blacktriangleleft and a child support officer gives a further direction with respect to the same parent on account of that parent failing to comply with the obligations imposed by section 6 of the Act in relation to an additional qualifying child of whom she is a person with care, the earlier direction shall cease to be in force on the last day of the benefit week preceding the benefit week on the first day of which, in accordance with the provisions of regulation 36(4), the further direction comes into operation, or would come into operation but for the provisions of regulation 40 \blacktriangleright or 40ZA \blacktriangleleft .

(2) Where a further direction comes into operation in a case falling within paragraph (1), the provisions of regulation 36 shall apply to it.

(3) Where a direction has ceased to be in force by virtue of regulation 38(2) and a child support officer gives a direction with respect to the same parent on account of that parent’s failure to comply with the obligations imposed by section 6 of the Act in relation to an additional qualifying child, no further direction shall be given with respect to that parent on account of her failure to comply with the obligations imposed by section 6 of the Act in relation to one or more children in relation to whom the direction that has ceased to be in force by virtue of regulation 38(2) was given.

(4) Where a case falls within paragraph (1) or (3) and the further direction, but for the provisions of this paragraph would cease to be in force by virtue of the provisions of regulation 41 or 42, but the earlier direction would not have ceased to be in force by virtue of the provisions of those regulations, the later direction shall continue in force for a period (“the extended period”) calculated in accordance with the provisions of paragraph (5) and the reduction of relevant benefit shall be determined in accordance with paragraphs (6) and (7).

(5) The extended period for the purposes of paragraph (4) shall be

$$(78 - F - S) \text{ weeks}$$

where—

F is the number of weeks for which the earlier direction was in operation; and

S is the number of weeks for which the later direction has been in operation.

Formula in reg. 47(5) substituted for “(78-F-S) weeks” by reg. 17(4) of S.I. 1996/1945 for directions made on or after 7.10.96, subj. to transl. saving in reg. 25(4) *ibid.*

Reg. 47(6) and (7) deleted by reg. 17(5) of S.I. 1996/1945 for directions made on or after 7.10.96, subj. to transl. saving in reg. 25(4) *ibid.*

Words inserted into reg. 47(1) by reg. 5(11) of S.I. 1996/1345 as from 7.10.96.

(6) Where the extended period calculated in accordance with paragraph (5) is greater than 52 weeks, there shall be a reduction of relevant benefit in respect of the number of weeks in excess of 52 determined in accordance with regulation 36(2), and a reduction of relevant benefit in respect of the remaining 52 weeks determined in accordance with regulation 36(3).

(7) Where the extended period calculated in accordance with paragraph (5) is equal to or less than 52 weeks, there shall be a reduction of relevant benefit in respect of that period determined in accordance with regulation 36(3).

(8) In this regulation "additional qualifying child" means a qualifying child of whom the parent concerned is a person with care and who was either not such a qualifying child at the time the earlier direction was given or had not been born at the time the earlier direction was given.

Suspension and termination of a reduced benefit direction where the sole qualifying child ceases to be a child or where the parent concerned ceases to be a person with care

48.—(1) Where, whilst a direction is in operation—

- (a) there is, in relation to that direction, only one qualifying child, and that child ceases to be a child within the meaning of the Act; or
- (b) the parent concerned ceases to be a person with care, the direction shall be suspended from the last day of the benefit week during the course of which the child ceases to be a child within the meaning of the Act, or the parent concerned ceases to be a person with care, as the case may be.

(2) Where, under the provisions of paragraph (1), a direction has been suspended for a period of 52 weeks and no relevant benefit is payable at the time, it shall cease to be in force.

(3) If during the period specified in paragraph (1) the former child again becomes a child within the meaning of the Act or the parent concerned again becomes a person with care and relevant benefit is payable to or in respect of that parent, a reduction in the amount of that benefit shall be made in accordance with the provisions of paragraphs (3) to (7) of regulation 38

► Notice of termination of a reduced benefit direction

49. Where a direction ceases to be in force under the provisions of regulations 41, 47 or 48, or is suspended under the provisions of regulation 48, the Secretary of State shall serve notice of such a termination or suspension, as the case may be, on the parent concerned and shall specify the date on which the direction ceases to be in force or is suspended, as the case may be. ◀

Reg. 49 substituted by reg. 30 of S.I. 1999/1047 as from 1.6.99.



Rounding provisions

50. Where any calculation made under this Part of these Regulations results in a fraction of a penny, that fraction shall be treated as a penny if it exceeds one half, and shall otherwise be disregarded.

Reg. 49A revoked by reg. 9 of S.I. 1996/3196 as from 13.1.97.

