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[2012/3042](#) *The Child Maintenance and Other Payments Act 2008 (Commencement No. 10 and Transitional Provisions) Order 2012*

[2013/1860](#) *The Child Maintenance and Other Payments Act 2008 (Commencement No. 11 and Transitional Provisions) Order 2013*

[2013/2947](#) *The Child Maintenance and Other Payments Act 2008 (Commencement No. 12 and Savings Provisions) and the Welfare Reform Act 2012 (Commencement No. 15) Order 2013*

[2014/1635](#) *The Child Maintenance and Other Payments Act 2008 (Commencement No. 14 and Transitional Provisions) and the Welfare Reform Act 2012 (Commencement No. 18 and Transitional and Savings Provision) Order 2014*

[2012/440](#) *The Child Maintenance (2008 Act) (Commencement No. 10 and Transitional Provisions) Order (Northern Ireland) 2012*

[2013/201](#) *The Child Maintenance (2008 Act) (Commencement No. 11 and Transitional Provisions) Order (Northern Ireland) 2013*

[2013/276](#) *The Child Maintenance (2008 Act) (Commencement No. 12 and Savings Provisions) Order (Northern Ireland) 2013*

[2014/194](#) *The Child Maintenance (2008 Act) (Commencement No. 14) Order (Northern Ireland) 2014*

The 'Normal' 13 Week Linking Rule

The 13-week linking rule continues to apply in Phase 2. It does not apply to cases subject to proactive or reactive case closure, **unless** the case closes before the liability end date because the applicant asks us to cease acting. Some clients may do this to get to the 2012 scheme sooner.

It applies where an existing case in the 2003 or 1993 scheme is closed **at the request of the applicant** and an application is made to the 2012 scheme, within 13 weeks of closure (the date on which the Secretary of State ceased acting), in respect of the same qualifying child, parent with care (or child in Scotland) and non-resident parent.

If an application is made by either parent (or child in Scotland) within that 13 week period, it would need to be processed under the same scheme as in the case which was closed.

In practical terms the 13 week linking rule prevents a client moving from one scheme to another for 13 weeks after the case is closed following the client withdrawing their application from the scheme they are on. If an application is made by either parent (or a child in Scotland) within that 13 week period, the new application would be progressed on the relevant 1993 or 2003 scheme.

If a client wanted to apply to the 2012 scheme they would have to wait until the 13 weeks had passed before making their application.

[Exception to the 13 Week Linking Rule – for QC 20 cases Only](#)

From 30 June 2014 there has been a change in the way the 13 week linking rule operates in cases where the last or only qualifying child will reach the age of 20 before the end of the transition period. We currently expect the transition period to end on the 31 December 2017. These cases are known as QC 20 cases.

Transition Period

[Regulations 3\(2\) & \(3\) of the Child Support \(Ending Liability in Existing Cases and Transition to New Calculation Rules\) Regulations 2014](#)

Paragraphs 6, 7 & 8 of the Ending Liability Scheme

The transition period is the period of time within which the Secretary of State will end liability in existing cases.

The transition period will start on the 30 June 2014 and end on 31 December 2017, although the Ending Liability Scheme provides that this can be extended. For further information on the process for ending liability (known as proactive and reactive case closure please refer to [Case Closure](#) guidance.

An exception is required because these cases are excluded from proactive case closure, although they may be selected for reactive case closure.

The exception **only applies** to **QC 20** cases where the **person with care or child in Scotland** makes a request for the Secretary of State to **cease acting on or after the 30 June 2014**.

Article 3 of Commencement Order No. 14 means that a non-resident parent is not eligible to make an application (to any scheme) before the expiry of 13 weeks from the date of closure in these cases. Any application that they try to make will be rejected. As the non-resident parent is not eligible to make an application no application fee should be charged.

It will not prevent applications where the non-resident parent becomes the person with care.

Example: Normal 13 Week Linking Rule

The person with care is the applicant in an existing case under 2003 scheme where the QC is 18 years old. The person with care asks the Secretary of State to cease acting and the Secretary of State ceases acting on the 30 June 2014. The person with care submits a new application less than 13 weeks later. The 13 week linking rule applies. The person with care will be advised the application would need to be progressed under the same scheme as in the case which was closed. If they want to apply to the 2012 scheme they will have to wait until 13 weeks has passed from the date of closure before submitting an application.

Example: Exception to 13 Week Linking Rule

The person with care is the applicant in an existing case under 2003 scheme where the QC is 18 years old. The person with care asks the Secretary of State to cease acting and the Secretary of State ceases acting on 5 July 2014. On 15 July 2014, the non-resident parent submits a new application in respect of the same QC and person with care. The application is not a Role Reversal (as the 13 week Linking Rule does not apply to these). Ordinarily the case would be referred back to 2003 scheme (because of the 13 Week Linking Rule). However, as the QC is due to reach the age of 20 prior to the end of the transition period (31 December 2017) the non-resident parent is not eligible to make an application before the 13 weeks has expired. The 'invalid' application will be rejected and the non-resident parent will be advised they will have to wait 13 weeks from date of closure before submitting their application, which will be dealt with on the 2012 scheme.

Rationale for 13 Week Linking Rule

To control the flow of cases from one scheme to another.

Rationale for NRP QC20 Exception to the 13 Week Linking Rule

These cases are excluded from proactive case closure, because their case will come to its natural end before the transition period has ended (31 December 2017). Unless the case is selected for reactive closure, the only way the person with care (or child in Scotland) can access the 2012 scheme, is to voluntarily close their case and wait 13 weeks before applying to the 2012 scheme.

An exception to the normal 13 week linking rule was required to safeguard against non-resident parents forcing these cases back onto the 1993/2003 scheme.

The new provision does not allow the non-resident parent to make an application before the expiry of the 13 week period. This is contained in Article 3 of The Child Maintenance and Other Payments Act 2008 (Commencement No. 14 and

Transitional Provisions) and the Welfare Reform Act 2012 (Commencement No. 18 and Transitional and Savings Provision) Order 2014.

Please Note: This does not apply where the non-resident parent becomes the person with care, as the 13 Week Linking Rule does not apply in role reversal cases

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Meaning of particular terms:

- **“existing case”**

A case is an existing case where a Maintenance Calculation/Assessment is in force OR an Application for a Maintenance Calculation/Assessment has been made but has not yet been determined - there is no Calculation/Assessment.

- **“at the request of the applicant”**

The applicant must have requested the Secretary of State cease acting under Section 4(5) or 7(6) of the Child Support Act 1991.

If the case was closed for any other reason (e.g. child ceased full-time education or as a result of proactive / reactive case closure) the 13 Week Linking Rule does not apply.

THE EXCEPTION ONLY APPLIES: to QC 20 cases where a person with care or child in Scotland requests we cease acting on or after 30th June 2014.

In all other cases the normal 13 week linking rule applies.

- **The date the Secretary of State “ceased acting”**

This will be the date the maintenance liability ended or, where the application is still to be determined, the date notified to the client as the date on which the Secretary of State ceased acting from.

Example

The initial effective date is Tuesday 7th August 2007. The maintenance period runs from Tuesday to Monday.

On Monday 30th June 2014 a 2003 scheme applicant requests the Secretary of State ceased acting.

On the Wednesday 16th July 2014 the Secretary of State actions this request.

Because the effective date is the first day in the maintenance period in which the request to cease acting is received the case is closed with effect from Tuesday 24th June 2014.

The 13 weeks runs from Tuesday 24th June 2014 and not the Wednesday 16th July 2014.

Application of the 13 Week Linking Rule

Below is a flow diagram for each Commencement Order. These should help you in the correct application of the 13 Week Linking Rule. The date of the application and the number of children determines which diagram should be followed.

13 Week Linking Rule pre 30 June 2014

Commencement Orders 10 (C1), 11 (C2) & 12 (C3) are unusual as they do not apply to cases where the application to close the case is made prior to the order being made.

The following table shows Commencement Orders relating to each of the 3 pathfinder stages in Phase 1 and the date on which the orders were deemed as 'made' legally.

Pathfinder Stage	Commenced by Commencement Order	Date Commencement Order was legally made
C1 (CMS open to 4 or more children)	No. 10	5 December 2012 (NI 6 December 2012)
C2 (CMS open to 2 or more children)	No. 11	23 July 2013 (NI 26 July 2012)
C3 (CMS open to all applicants)	No. 12	19 November 2013 (NI 22 November 2012)

Example of how the 'Made' date affects how these Orders apply

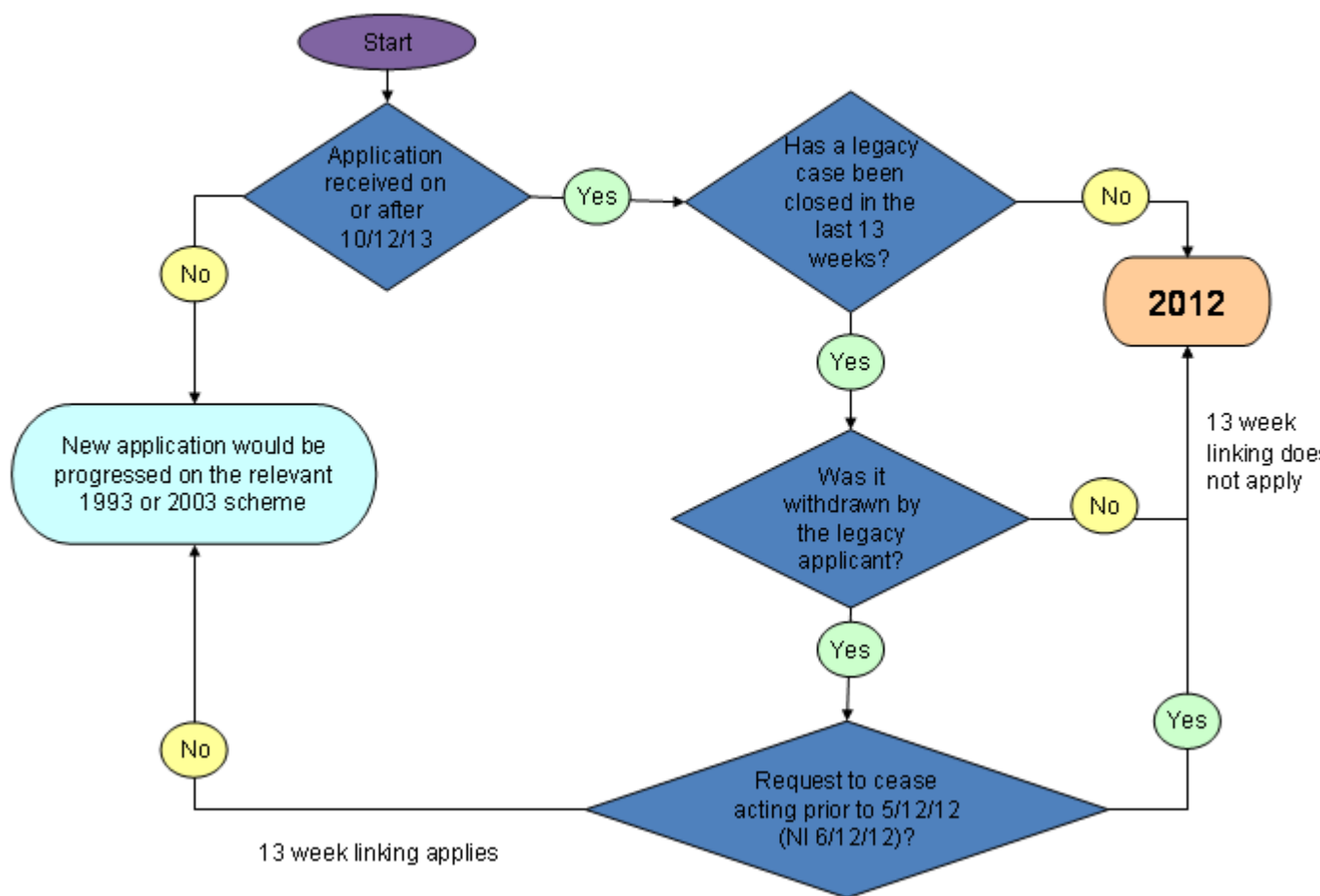
The CMS opened to all applicants (C3) on the 25 November 2013. However, the Commencement Order which did this (No.12) was legally made on the 19 November 2013.

A case which closed following a request to cease acting on the 18 November 2013 (before the order was made) for one QC (and provided there was no existing case with the same non-resident parent and person with care), could not reopen on 1993/2003 scheme and would have to go to the 2012 scheme. This is because the linking rules, which applied prior to this Commencement Order being made, only covered applications with two or more children (with the same non-resident parent).

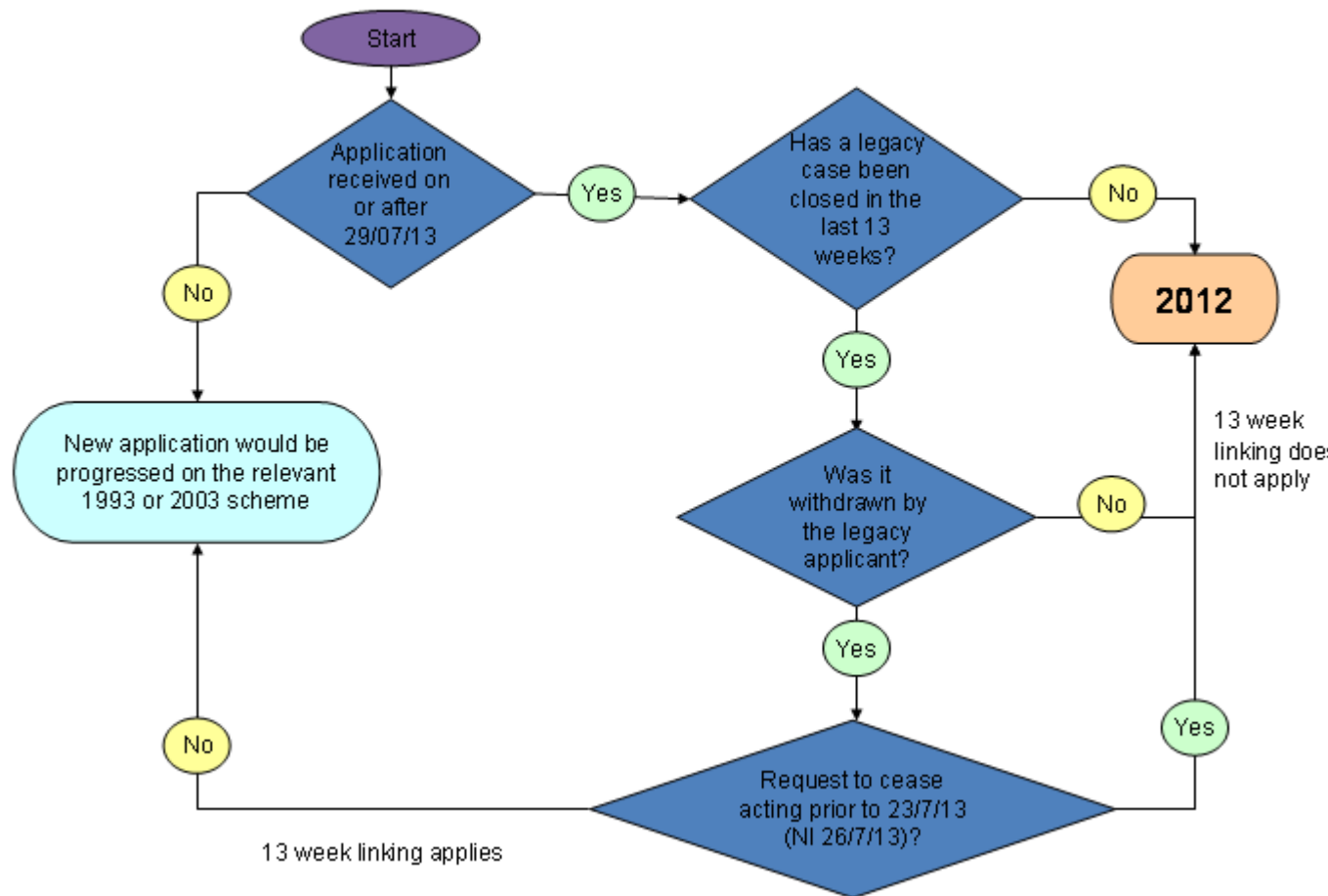
If the case had closed on the 20 November 2013 (after the order was made) following a request to cease acting made on or after 19 November 2013, for one QC (and provided there was no existing case with the same non-resident parent and person with care on the 2012 scheme), the case would be reopened on 1993/2003 scheme.

The following diagrams illustrate steps to follow under each commencement order:

C1 - 4 or more children

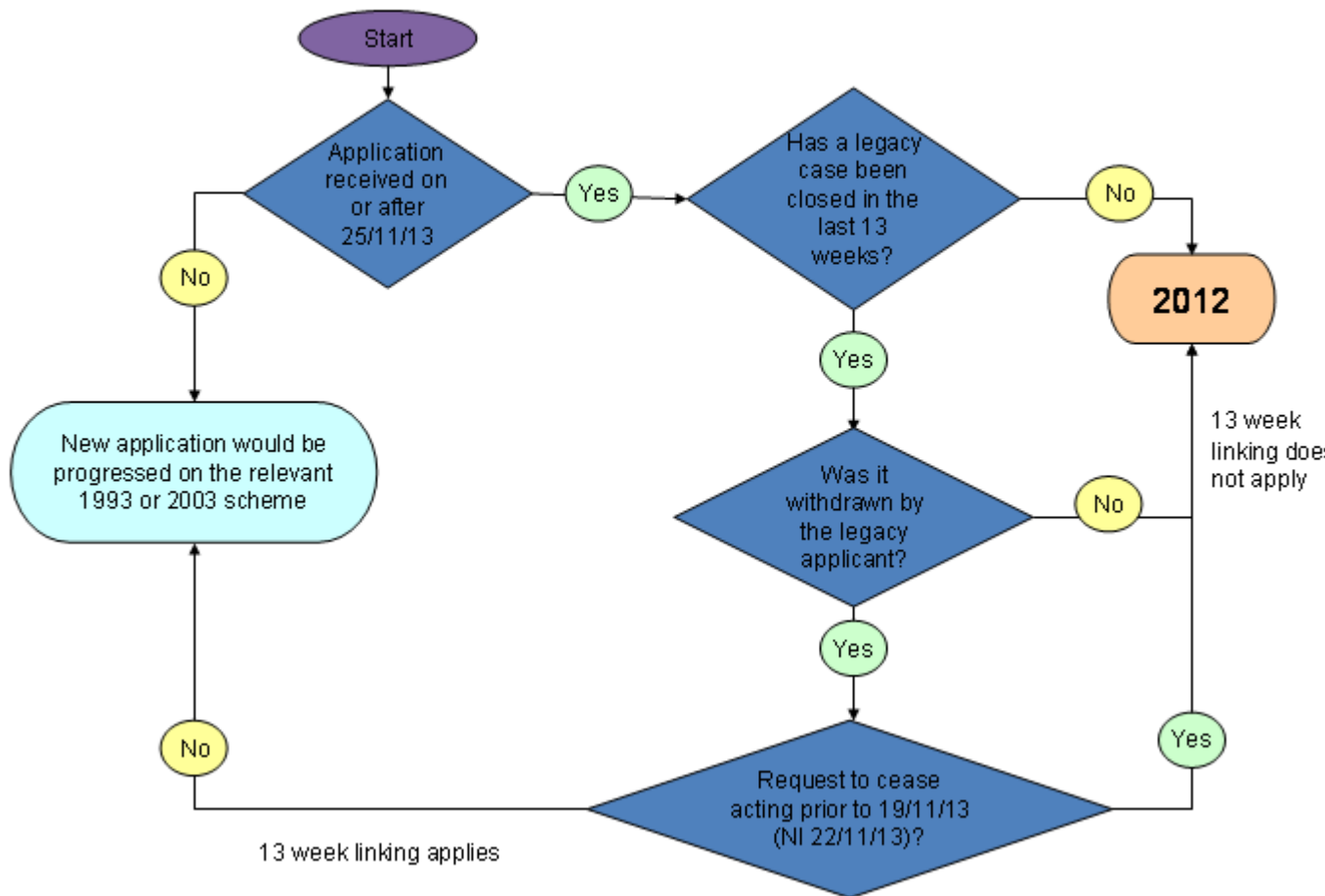


C2 - 2 or 3 children



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C3 – 1 Child



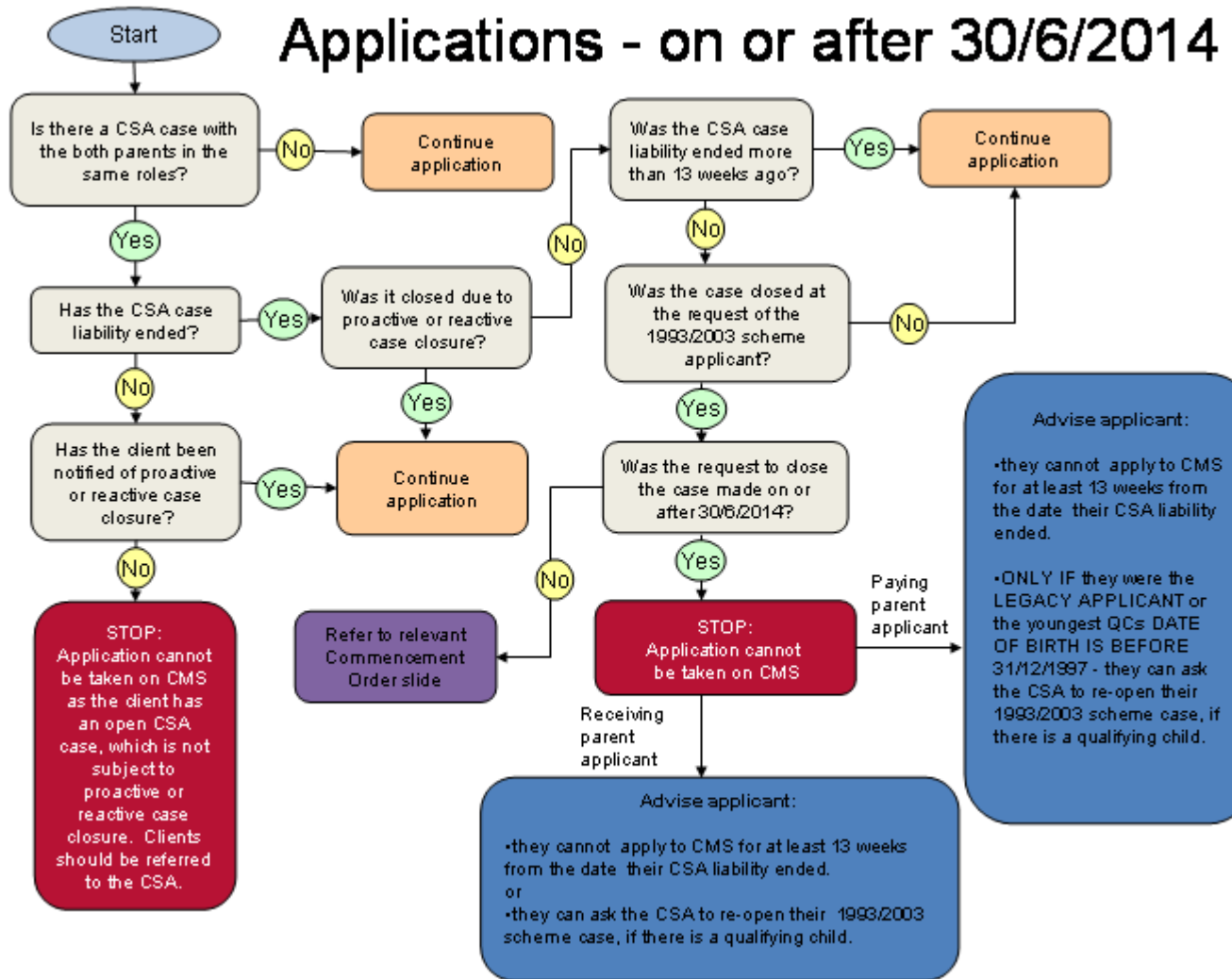
13 week linking Rule post 30 June 2014

The relevant Commencement Order, (Commencement Order 14) came into force on the 30 June 2014.

Where the previous case is not a QC 20 case (see the criteria detailed in [‘Exception to the 13 Week Linking Rule – for QC 20 cases Only’](#)) or is a QC 20 case but the request to cease acting was made before the 30 June 2014, Commencement Orders (10, 11 & 12) apply, depending on the date of the application and how many children the application covers.

The exception to the 13 week linking rule only applies to QC 20 cases (see the criteria detailed in [‘Exception to the 13 Week Linking Rule – for QC 20 cases Only’](#)) where the case is closed following a request to cease acting made on or after 30 June 2014.

Applications - on or after 30/6/2014



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