

[Revisions](#)

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Revisions (Overview)

[1991/48](#) *Section 16 of the Child Support Act 1991*

[2012/2677](#) *Regulations 14 - 16 of the Child Support Maintenance Calculation Regulations 2012*

[1991/2628](#) *Article 18 of the Child Support (Northern Ireland) Order 1991*

[2012/427](#) *Regulations 13 - 15 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012*

[What is a Revision?: Overview](#)

A revision revises or corrects a previous decision that was incorrect.

The CMG may revise a decision if:

- it receives an application within 30 days from the notification date of the Maintenance Calculation under Section 16 of the CSA 1991, or by way of an application for a variation; or
- it is satisfied that the decision was wrong due to a misrepresentation of, or failure to disclose a material fact and that decision was more advantageous to the person who misrepresented or failed to disclose that fact; or
- if an appeal is made under Section 20 of the CSA 1991 (appeals to the First-Tier Tribunal) but that appeal has not been determined; or
- if the CMG commences action leading to the revision of the decision within 30 days of the date of notification of the decision;

- if the decision arose from official error; or
- if the information held from HMRC for any Historic Income or Unearned Income figure used in the Maintenance Calculation has changed; or
- a person with respect to whom the Maintenance Calculation was made was not, at the time the calculation was made, a parent of the Qualifying Child; or
- sufficient information is available to revise a Default Maintenance Decision.

Refer to the [Decision Making Guidance](#) for further advice on the grounds for revision.

[Who can apply for a Revision?: Overview](#)

Revisions can be:

- requested by the non-resident parent / parent with care or an authorised representative; or
 - initiated by the CMG.
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[When can an application for a revision be made?](#)

An application for a revision should usually be made within 30 days from the date of notification of the decision, although an extension of time may be allowed in certain circumstances.

REMEMBER: Notifications are treated as sent 2 days after the date they are posted.

Refer to the [Decision Making Guidance](#) for further advice.

[Effective Date Of A Revision: Overview](#)

Where a decision is revised, it will usually take place from the effective date of the decision it is replacing. However, if the effective date itself is incorrect, then the revised decision will take effect from what would have been the correct effective date.

Refer to the [Effective Dates Guidance](#) for further advice.

[Revision Grounds : Decision Making Guidance](#)

[1991/48](#) Section 16 of the Child Support Act 1991

[2012/2677](#) Regulation 14 of the Child Support Maintenance Calculation Regulations 2012

[1991/2628](#) Article 18 of the Child Support (Northern Ireland) Order 1991

[2012/427](#) Regulations 13 of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012

Grounds for Revision

Decisions can only be revised where there are valid grounds. The guidance below explains the grounds on which a decision can be revised:

Application for a revision

If a client makes an application for a Revision within 30 days of the initial maintenance calculation being notified because some information was missing, then the maintenance calculation can be revised from the initial effective date.

Example

The non-resident parent reports that their relevant other child has not been taken into account.

Application for a variation

If a client makes an application for a Variation within 30 days of the initial maintenance calculation being notified, the maintenance calculation can be revised to take the Variation into account from the initial effective date, providing the ground arose from this date.

Refer to the Variations chapter for further advice about Variation applications.

NOTE: If the grounds for variation arose after the initial effective date then the application for variation should be treated as a supersession and normal effective date rules apply. Refer to the Guidance on [Effective dates](#) for further advice.

Decision was wrong due to a misrepresentation or failure to disclose

If the original decision was wrong because a client misrepresented or failed to inform the CMG about a relevant fact and the original decision was advantageous to the client as a consequence.

NOTE: there is no time limit in relation to revisions on this basis.

Example:

The non-resident parent's maintenance liability is based on current income. The parent with care disputes the liability and asks the CMG whether the income used in the calculation included the £10,000 bonus the non-resident parent received earlier that year. After further investigation, it is found that the non-resident parent failed to notify the CMG of the bonus payment. Maintenance calculation is revised to take account of the bonus.

Appeal has been made but not determined

If a client submits an appeal against the original decision within the relevant appeal time limits and the CMG identifies that there are grounds for a revision then it can revise the decision at any time before a Tribunal makes a decision on the appeal.

Example:

The parent with care appeals the maintenance calculation because they believe the HMRC data is incorrect. The CMG later receives confirmation that HMRC have amended their data due to an official error which produced an incorrect income figure for the non-resident parent. The Tribunal have not yet made a decision on the appeal and therefore the CMG can proceed with the Revision.

CMG initiates revision

If the CMG becomes aware within 30 days of the initial maintenance calculation being notified that the maintenance calculation was incorrect, then the maintenance calculation can be revised from the initial effective date.

Example:

A third party notifies the CMG that the non-resident parent is in prison. The CMG therefore needs to complete a revision to place the non-resident parent onto the nil rate.

Annual review

A CoC application was made before the Annual Review date, however supporting evidence is only received after the Annual Review date but still within 30 days of the notification, CMG can initiate a revision to take into account the CoC and then further revise from the Annual Review date if necessary.

Official error

If a decision was incorrect due to an official error by the CMG, DWP or HMRC a revision will be completed. There is no time limit in relation to revisions on this basis.

Example:

The non-resident parent and parent with care agree on 2 nights shared care of the Qualifying Child. When notified of the Maintenance Calculation the parent with care

contacts the CMG to report that the decision has been incorrectly based on 3 nights shared care. The Maintenance Calculation is revised to reflect the correct nights of shared care.

Information held by HMRC is amended

If a maintenance calculation is based upon information from HMRC and that information is subsequently amended.

NOTE: there is no time limit in relation to revisions on this basis.

Example:

The CMG completes an Annual Review based on gross weekly income of £550 from HMRC for the tax year 2011 / 2012. HMRC subsequently receive further information and amend their records to reflect £600 gross weekly income for the same period. The CMG updates their records and revises the maintenance calculation.

Person found not to be a parent of the qualifying child

If a person is named as a parent of the qualifying child and is later found not to be a parent.

NOTE: there is no time limit in relation to revisions on this basis.

Example:

The non-resident parent has a maintenance liability based on two qualifying children. He subsequently provides evidence in the form of a DNA test which confirms he is not the father of one of the qualifying children. The CMG updates their records and revises the maintenance calculation.

Refer to the chapter on Parentage for advice on parentage disputes, effective dates and refunds etc.

Information is provided to convert a default maintenance decision (DMD)

If a Default Maintenance Decision has been imposed and the non-resident parent provides or the CMG obtains information enabling a full maintenance calculation to be made.

NOTE: there is no time limit in relation to revisions on this basis.

Example:

The CMG has been unable to obtain information / evidence relating to the non-resident parent's income and imposes a Default Maintenance Decision. The non-resident parent subsequently contacts the CMG and provides full details of their earnings. The CMG updates their records and revises the maintenance calculation.

Revision Time Limits: Decision Making Guidance

When can an application for a Revision be made?

NOTE: Revisions falling under the following regulations have no 30 day time limit:

- Regulation 14(b), (c), (e), (f) and (g) of the Child Support Maintenance Calculation Regulations 2012
- Regulation 14(3) of the Child Support Maintenance Calculation Regulations 2012

An application for revision should usually be made within 30 days from the date that notification of the decision is treated as sent. REMEMBER: Notifications are treated as sent 2 days after the date they are posted.

If an application falls outside this time limit then you should consider whether an extension can be allowed.

Applications for an extension of time

In these circumstances you must be satisfied that:

- it is reasonable to grant the application
- the application for revision has merit
- special circumstances are relevant to the application and because of those circumstances it was not practicable for the application to be made within the 30 days time limit

Extension of time: Decision Making Guidance

It is not possible to list all the situations that might be treated as a “special circumstance” for these purposes. This is a discretionary decision, which must be based on all the circumstances of the case.

Generally, you need to take into account the reasons the applicant states they could not make their application in time and consider whether these reasons seem valid.

For example:

- Cases where the applicant was in hospital or out of the country might be accepted as special circumstances, as these factors could prevent an application being made in time.
- Cases where the applicant had simply forgotten to send in their application for revision would not.

In determining whether an extension of time is reasonable you must also consider the principle that the greater the amount of time between the end of the 30 days and the making of the application for an extension of time, the more compelling the special circumstances should be.

An extension of time should not be agreed to for the following reasons:

- the applicant was unaware of or misunderstood the law applicable to the case (including ignorance or misunderstanding of the time limits imposed; or
- the Upper Tribunal or a court has taken a different view of the law from that previously understood and applied.

NOTE: if an application for extension of time has been refused it cannot later be renewed.

PLDMG @ 09.03.2017