
STATUTORY INSTRUMENTS

1994 No. 227

**The Child Support (Miscellaneous Amendments
and Transitional Provisions) Regulations 1994**

PART II

AMENDMENT OF REGULATIONS

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations 1992

2.—(1) The Child Support (Maintenance Assessment Procedure) Regulations 1992^{M1} shall be amended in accordance with the following provisions of this regulation.

(2) For sub-paragraph (c) of paragraph (4) of regulation 10 of those Regulations there shall be substituted the following sub-paragraphs—

“(c) where a fresh maintenance assessment is made following a review under section 18 of the Act, sections 16, 17 and 20 of the Act;

(d) where a fresh maintenance assessment is made following a review under section 19 of the Act, sections 16, 17 and 18 of the Act.”.

(3) In paragraph (2) of regulation 20 of those Regulations, for the words after “the provisions of paragraph 6 of Schedule 1 to the Act would apply to that assessment,” there shall be substituted the words—

“he shall not make a fresh assessment if—

(a) where the amount fixed by the original assessment is less than the amount that would be fixed by the fresh assessment, the difference between the two amounts is less than £5.00 a week; and

(b) where the amount fixed by the original assessment is more than the amount that would be fixed by the fresh assessment, the difference between the two amounts is less than £1.00 a week.”.

(4) In paragraph (2) of regulation 21 of those Regulations for the words “that difference is less than £1.00 per week” there shall be substituted the words

“that difference is less than—

(a) where the aggregate amount fixed by the original assessments is less than the aggregate amount that would be fixed by the fresh assessments, £5.00 a week; and

(b) where the aggregate amount fixed by the original assessments is more than the aggregate amount that would be fixed by the fresh assessments, £1.00 a week.”.

(5) At the end of paragraph (1) of regulation 31 of those Regulations there shall be added the words “disregarding any previous assessment made following a review made under section 18 or 19 of the Act”.

Marginal Citations

M1 [S.I.1992/1813](#). The relevant amending instrument is [S.I.1993/913](#).

Amendment of the Child Support (Collection and Enforcement) Regulations 1992

3.—(1) At the beginning of paragraph (e) of regulation 9 of the Child Support (Collection and Enforcement) Regulations 1992^{M2} there shall be inserted the words “except in the case of a Category A or Category B interim maintenance assessment within the meaning of regulation 8(1A) and (1B) of the Child Support (Maintenance Assessment Procedure) Regulations 1992,”.

(2) In Schedule 2 to those Regulations—

(a) after head B of the table to paragraph 1 there shall be inserted the following head

In column 1—

“BB For preparing and sending a letter advising the liable person that the written authorisation of the Secretary of State is with the person levying the distress and requesting the total sum due.”; and

In column 2—

“£10.00.”; and

(b) in head D(ii) of that table, in column 2 for the words “45p per day” there shall be substituted the words “10p per day.”.

Marginal Citations

M2 [S.I.1992/1989](#). The relevant amending instrument is [S.I.1993/913](#).

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992

4.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992^{M3} shall be amended in accordance with the following provisions of this regulation.

(2) For sub-paragraph (b) of paragraph (1) of regulation 3 of those Regulations there shall be substituted the following sub-paragraph—

“(b) with respect to a person with care of one or more qualifying children—

(i) where one or more of those children is aged less than 11, an amount equal to the amount specified in column (2) of paragraph 1(1)(e) of the relevant Schedule (income support personal allowance for a single claimant aged not less than 25);

(ii) where none of those children are aged less than 11 but one or more of them is aged less than 14, an amount equal to 75 per centum of the amount specified in head (i) above; and

(iii) where none of those children are aged less than 14 but one or more of them is aged less than 16, an amount equal to 50 per centum of the amount specified in head (i) above.”.

(3) For paragraph (1) of regulation 6 of those Regulations there shall be substituted the following paragraph—

“(1) For the purposes of the formula in paragraph 4(1) of Schedule 1 to the Act, the value of R is—

- (a) where the maintenance assessment in question relates to one qualifying child, 0.15;
- (b) where the maintenance assessment in question relates to two qualifying children, 0.20; and
- (c) where the maintenance assessment ,in question relates to three or more qualifying children, 0.25.”.

(4) In regulation 11(1)(k) of those Regulations for “£8.00” there shall be substituted “£30.00”.

(5) In regulation 11(1)(1) of those Regulations for the words “10 per centum” there shall be substituted the words “15 per centum”.

(6) At the beginning of paragraph (2) of regulation 23 of those Regulations there shall be inserted the words “Subject to paragraph (2A)” and after that paragraph there shall be inserted the following paragraph—

“(2A) In applying the provisions of paragraph (2) to the amount which is to be included in the maintenance requirements under regulation 3(1)(b)—

- (a) first take the amount specified in head (i) of regulation 3(1)(b) and divide it by the relevant number;
- (b) then apply the provisions of regulation 3(1)(b) as if the references to the amount specified in column (2) of paragraph 1(1)(e) of the relevant Schedule were references to the amount which is the product of the calculation required by head (a) above, and as if, in relation to an absent parent, the only qualifying children to be included in the assessment were those qualifying children in relation to whom he is the absent parent.”.

(7) In paragraph (3) of regulation 23 of those Regulations for the words “In paragraph (2)” there shall be substituted the words “In paragraph (2) and (2A)”.

(8) For sub-paragraph (5) of paragraph 3 of Schedule 3 to those Regulations there shall be substituted the following sub-paragraph—

“(5) Where a policy of insurance has been obtained and retained for the purpose of discharging a mortgage or charge on the home of the parent in question and also for the purpose of accruing profits on the maturity of the policy, there shall be eligible to be taken into account as a housing cost—

- (a) where the sum secured by the mortgage or charge does not exceed £60,000, the whole of the premiums paid under that policy; and
- (b) where the sum secured by the mortgage or charge exceeds £60,000, the part of the premiums paid under that policy which are necessarily incurred for the purpose of discharging the mortgage or charge or, where that part cannot be ascertained, 0.0277 per centum of the amount secured by the mortgage or charge.”.

Marginal Citations

M3 [S.I.1992/1815](#), to which there are amendments not relevant to these Regulations.

Amendment of the Child Support Fees Regulations 1992

5.—(1) The Child Support Fees Regulations 1992 ^{M4} shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(2) of those Regulations, for the definition of “collection fee” there shall be substituted the following definition—

““collection fee” means a fee in respect of services provided by the Secretary of State for the collection of child support maintenance or for enforcing payment of such maintenance or both such collection and such enforcement;”.

(3) For paragraph (3) of regulation 3 of those Regulations there shall be substituted the following paragraph—

“(3) In a case falling within paragraph (1)(b) the fee payable shall be the assessment fee and if, but only if, collection or enforcement services (or both) are provided by the Secretary of State, the collection fee.”.

(4) For paragraph (2) of regulation 4 of those Regulations, there shall be substituted the following paragraph—

“(2) Where a collection fee is payable under regulation 3(2) or 3(3) the first such fee shall become payable on the date the Secretary of State first takes action to collect or enforce payment of child support maintenance, and any subsequent fee which becomes so payable shall be payable on the date the assessment fee becomes payable.”.

Marginal Citations

M4 [S.I.1992/3094](#).

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Miscellaneous Amendments and Transitional Provisions) Regulations 1994, PART II.