
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations 2014

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations 2014 and come into force on the day on which section 19 (transfer of cases to new rules) of the Child Maintenance and Other Payments Act 2008 comes into force for all purposes.

(2) In these Regulations—

“the 1991 Act” means the Child Support Act 1991(1);

“the 1992 Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(2);

“the 2008 Act” means the Child Maintenance and Other Payments Act 2008;

“absent parent” has the meaning given in section 3(2) (meaning of certain terms) of the 1991 Act (3);

“liability end date” has the meaning given in regulation 6;

“non-resident parent” has the meaning given in section 3(2) of the 1991 Act(4);

“person with care” has the meaning given in section 3(3) of the 1991 Act;

“partner” has the meaning given in paragraph 10C(4) (references to various terms) of Schedule 1 (maintenance calculations) to the 1991 Act (5);

“prescribed benefit” means a benefit prescribed by regulations made under paragraph 4(1)(c) (flat rate) of Schedule 1 to the 1991 Act;

“qualifying child” has the meaning given in section 3(1) of the 1991 Act(6);

“the scheme” means the scheme prepared by the Secretary of State under regulation 3(1);

“transition period” has the meaning given in regulation 3(2).

(3) For the purposes of these Regulations an existing case is related to an application made under section 4(1) (child support maintenance) or 7(1) (right of a child in Scotland to apply for assessment) of the 1991 Act if—

(1) 1991 c. 48.

(2) S.I. 1992/1815. The 1992 Regulations were revoked with savings by S.I. 2001/155 and 2012/2785.

(3) The substitution of the term “absent parent” with “non-resident parent” by section 26 of, and paragraph 11(1) and (2) of Schedule 3 to, the Child Support, Pensions and Social Security Act 2000 (“the 2000 Act”) was partially commenced for the types of cases specified in article 3 of the Child Support, Pensions and Social Security Act 2000 (Commencement No.12) Order 2003 (S.I. 2003/192) (“the 2003 Order”).

(4) See footnote (e) above.

(5) The substitution of Part 1 of Schedule 1 to the 1991 Act by section 1(3) of, and Schedule 1 to, the 2000 Act was partially commenced for the types of cases specified in article 3 of the 2003 Order.

(6) The amendment of the definition of “qualifying child” by section 26 of, and paragraph 11(1) and (2) of Schedule 3 to, the 2000 Act was partially commenced for the types of cases specified in article 3 of the 2003 Order.

- (a) the non-resident parent in relation to that application is also the non-resident parent or absent parent in relation to the existing case and the person with care in relation to that application is not the person with care in relation to the existing case; or
- (b) the non-resident parent in relation to that application is a partner of a non-resident parent or absent parent and either or both are in receipt of a prescribed benefit.