
STATUTORY INSTRUMENTS

1995 No. 123

FAMILY LAW

CHILD SUPPORT

**The Child Support (Miscellaneous
Amendments) Regulations 1995**

<i>Made</i>	- - - -	<i>19th January 1995</i>
<i>Laid before Parliament</i>		<i>26th January 1995</i>
<i>Coming into force</i>	- -	<i>16th February 1995</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 14(1), 16(5), 51 and 52 of, and paragraph 11 of Schedule 1 to, the Child Support Act 1991⁽¹⁾ and of all other powers enabling him in that behalf hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Miscellaneous Amendments) Regulations 1995 and shall come into force on 16th February 1995.

(2) In these Regulations—

“Information, Evidence and Disclosure Regulations” means the Child Support (Information, Evidence and Disclosure) Regulations 1992⁽²⁾

“Maintenance Arrangements and Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992⁽³⁾

“Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992⁽⁴⁾

Amendment of regulation 2 of the Information, Evidence and Disclosure Regulations

2. After sub-paragraph (b) of paragraph (2) of regulation 2 of the Information, Evidence and Disclosure Regulations, there shall be inserted the following sub-paragraph—

(1) 1991 c. 48.

(2) S.I. 1992/1812.

(3) S.I. 1992/2645.

(4) S.I. 1992/1813. Regulation 8 was amended by S.I. 1993/913 and regulation 31 by S.I. 1994/227.

“(ba) the current or recent employer of a person falling within sub-paragraph (b), with respect to the matters listed in sub-paragraphs (d) and (e) of regulation 3(1);”.

Amendment of regulation 3 of the Maintenance Arrangements and Jurisdiction Regulations

3. After paragraph (6) of regulation 3 of the Maintenance Arrangements and Jurisdiction Regulations, there shall be added the following paragraph—

“(7) Where at the time an interim maintenance assessment was made there was in force with respect to children in respect of whom that interim maintenance assessment was made an order falling within paragraph (1), the effective date of a maintenance assessment subsequently made in accordance with Part I of Schedule 1 to the Act in respect of those children shall be the effective date of that interim maintenance assessment as determined under paragraph (5).”.

Amendment of regulation 1 of the Maintenance Assessment Procedure Regulations

4. In paragraph (2) of regulation 1 of the Maintenance Assessment Procedure Regulations, after the definition of “Information, Evidence and Disclosure Regulations” there shall be inserted the following definition—

““Maintenance Arrangements and Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(5);”.

Amendment of regulation 8 of the Maintenance Assessment Procedure Regulations

5.—(1) Regulation 8 of the Maintenance Assessment Procedure Regulations shall be amended in accordance with the following provisions of this regulation.

(2) At the beginning of paragraph (3), for the words “Where the provisions of regulation 30(2)(a) or (4) apply” there shall be substituted the words “Except where regulation 3(5) of the Maintenance Arrangements and Jurisdiction Regulations (effective date of maintenance assessment where court order in force) or paragraph (3A), (3B), (3C) or (3D) applies”.

(3) After paragraph (3), there shall be inserted the following paragraphs—

“(3A) Subject to paragraph (3D), where a child support officer makes a Category A interim maintenance assessment following a review of a Category A interim maintenance assessment under section 16 of the Act, the effective date of that assessment shall be 52 weeks after the effective date of the previous interim maintenance assessment, disregarding any previous interim maintenance assessment made following a review under section 19 of the Act.

(3B) Subject to paragraph (3D), where a child support officer reviews a Category A interim maintenance assessment under section 19(1) of the Act on the grounds that it is defective because of a mistake as to its effective date or for reasons which include a mistake as to its effective date, the effective date of a Category A interim maintenance assessment made following such a review shall be the correct effective date applicable to the interim maintenance assessment being reviewed, as determined in accordance with paragraph (3), (3A) or regulation 3(5) of the Maintenance Arrangements and Jurisdiction Regulations, as the case may be.

(3C) Subject to paragraph (3D), where a child support officer reviews a Category A interim maintenance assessment under section 19(1) of the Act on the grounds that it is defective for reasons which do not include a mistake as to its effective date, the effective date of a

Category A interim maintenance assessment made following such a review shall be the same as the effective date of the interim maintenance assessment that has been reviewed.

(3D) Where the effective date of a Category A interim maintenance assessment made following a review under section 16 or 19(1) of the Act would by virtue of the provisions of paragraphs (3A) to (3C) be earlier than 16th February 1995, the effective date of that assessment shall be 16th February 1995.”

(4) At the beginning of paragraph (4), for the words “Where a maintenance assessment is made” there shall be substituted the words “In cases where the effective date of an interim maintenance assessment is determined under paragraph (3), (3A), (3B), (3C) or (3D), where a maintenance assessment is made”.

Amendment of regulation 10 of the Maintenance Assessment Procedure Regulations

6.—(1) Regulation 10 of the Maintenance Assessment Procedure Regulations shall be amended in accordance with the following provisions of this regulation.

(2) At the beginning of paragraph (2), for the words “A notification under paragraph (1)” there shall be substituted the words “Subject to paragraph (2A), a notification under paragraph (1)”.

(3) After paragraph (2), there shall be inserted the following paragraph—

“(2A) Where a new Category A interim maintenance assessment is made, or a fresh Category A interim maintenance assessment is made following a review under section 16 or 19(1) of the Act, a notification under paragraph (1) shall set out, in relation to that interim maintenance assessment, the maintenance requirement and the effective date.”

(4) At the beginning of paragraph (4), for the words “A notification under paragraph (1)” there shall be substituted the words “Subject to paragraph (5), a notification under paragraph (1)”.

(5) After paragraph (4), there shall be added the following paragraph—

“(5) Where a new Category A interim maintenance assessment is made or a fresh Category A interim maintenance assessment is made following a review under section 16 or 19(1) of the Act, a notification under paragraph (1) shall include information as to sections 16 and 19(1) of the Act.”

Amendment of regulation 30 of the Maintenance Assessment Procedure Regulations

7. In paragraph (1) of regulation 30 of the Maintenance Assessment Procedure Regulations, after the words “Subject to regulation 8(3)” there shall be inserted the words “(interim maintenance assessments) and to regulation 3(5) and (7) of the Maintenance Arrangements and Jurisdiction Regulations (maintenance assessments where court order in force),”.

Amendment of regulation 31 of the Maintenance Assessment Procedure Regulations

8. In paragraph (13) of regulation 31 of the Maintenance Assessment Procedure Regulations, for the words “regulation 30 or in accordance with paragraphs (1) to (12), as the case may be” there shall be substituted the words “paragraphs (1) to (12), regulation 8(3), regulation 30, or in accordance with regulation 3(5) or (7) of the Maintenance Arrangements and Jurisdiction Regulations, as the case may be.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Social Security.

19th January 1995

Alistair Burt
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Child Support (Information, Evidence and Disclosure) Regulations 1992, the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992 and the Child Support (Maintenance Assessment Procedure) Regulations 1992, all of which are made under the Child Support Act 1991 (“the Act”).

Regulation 2 of the Child Support (Information, Evidence and Disclosure) Regulations is amended to impose an obligation on employers to provide information for certain purposes about an alleged absent parent who denies parentage (regulation 2).

Regulation 3 of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations is amended to provide that where an interim maintenance assessment has been made and at that time there was a court order in force in respect of children covered by that interim maintenance assessment, the effective date of any subsequent maintenance assessment shall be the effective date of that interim maintenance assessment (regulation 3).

The Child Support (Maintenance Assessment Procedure) Regulations are amended in the following respects—

(1) regulation 8 is amended to make provision for the effective date of an interim maintenance assessment reviewed under section 16 or 19(1) of the Act and to clarify the provision for the setting of the effective date of an interim maintenance assessment where a court order is in force in respect of the relevant child (regulation 5);

(2) regulation 10 is amended to set out the information to be included in the notification which must be given where a Category A interim maintenance assessment is made, or a fresh such assessment issued after a review (regulation 6);

(3) regulation 30 is amended to provide that where a court order is in force in respect of the relevant children at the time a maintenance assessment is made, or was in force at the time an interim maintenance assessment was made which preceded the making of the maintenance assessment, the effective date of the assessment is set by regulation 3(5) or (7) of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (regulation 7);

(4) regulation 31 is amended to make additional provision for the effective date of an assessment, reviewed because the original effective date was incorrect (regulation 8).

These Regulations do not impose any costs on business.