

**1995 No. 3261**

**FAMILY LAW  
CHILD SUPPORT**

**The Child Support (Miscellaneous Amendments) (No.  
2) Regulations 1995**

*Made* - - - - - *15th December 1995*

*Coming into force*

*Regulations 1, 23, 48 and 56*      *18th December 1995*

*Remainder*                      *22nd January 1996*

Whereas a draft of this instrument was laid before Parliament in accordance with section 52(2) of the Child Support Act 1991(a) and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by sections 12(2) and (3), 14(1), (1A) and (3), 16, 17, 18, 32(1), 41(2), 41B(3) and (6), 42(1), 46(5) and (11), 51, 52, 54 and 56(3) of, and paragraphs 5(1) and (2), 6(2), 8 and 11 of Schedule 1 to, the Child Support Act 1991(b), section 18(7) of the Child Support Act 1995(c) 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) (No. 2) Regulations 1995.

(2) This regulation, regulation 23, regulation 48 and regulation 56 of these Regulations shall come into force on 18th December 1995 and all other regulations shall come into force on 22nd January 1996.

(3) In these Regulations—

“the Arrears Regulations” means the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992(d);

“the Child Support Amendment Regulations” means the Child Support and Income Support (Amendment) Regulations 1995(e);

“the Collection and Enforcement Regulations” means the Child Support (Collection and Enforcement) Regulations 1992(f);

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

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(a) 1991 c.48.  
(b) Section 54 is cited because of the meaning ascribed to the word “prescribed”.  
(c) 1995 c.34.  
(d) S.I. 1992/1816. Regulation 13 was amended by S.I. 1993/913 and S.I. 1995/1045.  
(e) S.I. 1995/1045.  
(f) S.I. 1992/1989. Regulation 9 was amended by S.I. 1995/1045.  
(g) S.I. 1992/812. Regulation 2 was amended by S.I. 1995/123 and S.I. 1995/1045. Regulation 3 was amended and regulation 9A inserted by S.I. 1995/1045.

“the Maintenance Arrangements and Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdictions) Regulations 1992(a);

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

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

“the Miscellaneous Amendments Regulations” means the Child Support (Miscellaneous Amendments and Transitional Provisions) Regulations 1994(d);

“the Northern Ireland Regulations” means the Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993(e).

[Regulation 2 substitutes reg. 8 of S.I. 1992/1816.]

[Regulation 3 inserts reg. 10A into S.I. 1992/1816.]

[Regulation 4 amends reg. 12(3) of S.I. 1992/1816.]

[Regulation 6 substitutes reg. 13(6) and (7) for reg. 13(6) of S.I. 1992/1816.]

[Regulation 6 inserts reg. 9(cc) into S.I. 1992/1989.]

[Regulation 7 amends reg. 2 of S.I. 1992/1812.]

[Regulation 8 amends reg. 3(l) of S.I. 1992/1812.]

[Regulation 9 inserts reg. 3A into S.I. 1992/1812.]

[Regulation 10 substitutes reg. 5 of S.I. 1992/1812.]

[Regulation 11 amends reg. 9A(1) of S.I. 1992/1812.]

[Regulation 12 substitutes regs. 10 and 10A for reg. 10 of S.I. 1992/1812.]

[Regulation 13 amends reg. 3(5) and (8) of S.I. 1992/2645.]

[Regulation 14 adds reg. 9 to S.I. 1992/2645.]

[Regulation 15 amends reg. 1(3) of S.I. 1992/1813.]

[Regulation 16 substitutes regs. 8-8D for reg. 8 of S.I. 1992/1813.]

[Regulation 17 substitutes regs. 9 and 9A for reg. 9 of S.I. 1992/1813.]

[Regulation 18 amends reg. 10 of S.I. 1992/1813.]

[Regulation 19 substitutes reg. 19(l) of S.I. 1992/1813.]

[Regulation 20 amends reg. 14 of S.I. 1992/1813.]

[Regulation 21 amends reg. 15 of S.I. 1992/1813.]

[Regulation 22 inserts reg. 15A into S.I. 1992/1813.]

[Regulation 23 inserts reg. 16A into S.I. 1992/1813.]

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(a) S.I. 1992/2645. Regulation 1 was amended by S.I. 1995/1045 and regulation 3 by S.I. 1995/123 and S.I. 1995/1045.

(b) S.I. 1992/1813. Regulation 8 was amended by S.I. 1993/913, S.I. 1995/123 and S.I. 1995/1045 and regulation 9 by S.I. 1993/913 and S.I. 1995/1045. Regulation 10 was amended by S.I. 1994/227, S.I. 1995/123 and S.I. 1995/1045. Regulation 12 was amended by S.I. 1993/913 and regulation 14 by S.I. 1995/1045. Regulations 17 and 19 were amended by S.I. 1993/913 and S.I. 1995/1045. Regulation 30 was amended by S.I. 1995/123 and S.I. 1995/1045. Regulation 31 was amended by S.I. 1994/227, S.I. 1995/123 and S.I. 1995/1045.

(c) S.I. 1992/1815. Regulations 1, 9, 15, 22 and Schedule 2 were amended by S.I. 1993/913 and S.I. 1995/1045. Regulation 2 was amended by S.I. 1995/1045 and regulation 11 by S.I. 1994/227 and S.I. 1995/1045. Schedule 3 was amended by S.I. 1993/913, S.I. 1994/227 and S.I. 1995/1045.

(d) S.I. 1994/227. Regulation 7 was amended by S.I. 1995/1045.

(e) S.I. 1993/584.

- [Regulation 24 amends reg. 17 of S.I. 1992/1813.]
- [Regulation 25 substitutes reg. 18 of S.I. 1992/1813.]
- [Regulation 26 amends reg. 19 of S.I. 1992/1813.]
- [Regulation 27 amends reg. 20 of S.I. 1992/1813.]
- [Regulation 28 amends reg. 21 of S.I. 1992/1813.]
- [Regulation 29 amends reg. 22(2) of S.I. 1992/1813.]
- [Regulation 30 amends reg. 27 of S.I. 1992/1813.]
- [Regulation 31 substitutes reg. 28 of S.I. 1992/1813.]
- [Regulation 32 amends reg. 30 of S.I. 1992/1813.]
- [Regulation 33 inserts reg. 30A into S.I. 1992/1813.]
- [Regulation 34 substitutes regs. 31–31C for reg. 31 of S.I. 1992/1813.]
- [Regulation 35 inserts reg. 32B into S.I. 1992/1813, subject to reg. 2 of S.I. 1995/3265.]
- [Regulation 36 amends reg. 33(6) of, and adds reg. 33(7) and (8) to, S.I. 1992/1813.]
- [Regulation 37 inserts reg. 35A into S.I. 1992/1813.]
- [Regulation 38 inserts reg. 40A into S.I. 1992/1813.]
- [Regulation 39 inserts reg. 49A into S.I. 1992/1813.]
- [Regulation 40 amends reg. 1 of S.I. 1992/1815.]
- [Regulation 41, amending reg. 2(2) of S.I. 1992/1815, superseded by reg. 3 of S.I. 1995/3265.]
- [Regulation 42 amends reg. 9(1)(h) of S.I. 1992/1815.]
- [Regulation 43 amends reg. 11 of S.I. 1992/1815.]
- [Regulation 44 re-numbers reg. 15(10) of S.I. 1992/1815 as reg. 15(4).]
- [Regulation 45 amends reg. 22 of S.I. 1992/1815.]
- [Regulation 46 amends para. 27 of Sch. 2 to S.I. 1992/1816.]
- [Regulation 47 amends paras. 3 and 6 of Sch. 3 to S.I. 1992/1815.]
- [Regulation 48 amends para. 8 of, and inserts para. 8A into, Sch. 3A to S.I. 1992/1815.]
- [Regulation 49 substitutes paras. 17 and 17A for para. 17 of Sch. 3B to S.I. 1992/1815.]
- [Regulation 50 amends reg. 64 of S.I. 1995/1045.]
- [Regulation 51 amends reg. 7(2) of S.I. 1994/227.]
- [Regulation 52 amends reg. 11 of S.I. 1994/227.]
- [Regulation 53 amends reg. 2(l) of S.I. 1993/584.]
- [Regulation 54, together with Sch., inserts Sch. 1A into S.I. 1993/584.]
- [Regulation 55 amends Sch. 2 to S.I. 1993/584.]

► **Supersessions consequent on amendments made by these Regulations**

**56.** Where a fresh assessment is made by virtue of a decision under section 17 of the Child Support Act 1991 superseding an earlier decision in consequence of the coming into force of regulations 48–

- (a) the decision under section 17; and
- (b) that fresh maintenance assessment,

shall have effect as from the first day of the maintenance period following 18th December 1995◀

Reg. 56 substituted by art. 39 of S.I. 1999/1510 as from 1.6.99.

## Reg. 57

## Transitional and consequential provisions

Para. (1) and words in para. (3) substituted by art. 40 of S.I. 1999/1510 as from 1.6.99.

**57.—**►(1) A decision with respect to a maintenance assessment shall not be superseded by a decision under section 17 of the Child Support Act 1991 solely to give effect to the provisions set out in paragraph (2).◄

(2) The provisions referred to in paragraph (1) are—

- (a) regulation 40(3);
- (b) regulation 42;
- (c) regulation 43(3);
- (d) head (v) of sub-paragraph (a) of paragraph (2) of regulation 11 of the Maintenance Assessments and Special Cases Regulations as inserted by regulation 43(5) of these Regulations;
- (e) regulation 46; and
- (f) regulation 47.

Words substituted in reg. 57(3) by reg. 4 of S.I. 1995/3265 as from 22.1.96.

(3) ►Where a decision is made under section 17 of the Child Support Act 1991 superseding an earlier decision◄ is carried out wholly or partly in consequence of one or more of the provisions set out in►regulation 40, 42, 43(3) or (5), 46, 47 or 49◄, and the amount of any fresh assessment made following that review is different from the amount of any fresh assessment that would have been made had those provisions not been in force, the effective date of that fresh assessment shall not be earlier than 22nd January 1996.

Para. (4) omitted by art. 40 of S.I. 1999/1510 as from 1.6.99.

►◄

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

15th December 1995

*A. J. B. Mitchell*  
Parliamentary Under-Secretary of State,  
Department of Social Security

[Schedule inserts Sch. 1A into S.I. 1993/584.]

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend various regulations made under the Child Support Act 1991 ("the Act").

The Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 are amended to make provision for the circumstances in which a parent with care must reimburse the Secretary of State for overpayments of maintenance which he has repaid to the absent parent as provided for in section 41A of the Act, which was inserted by section 23 of the Child Support Act 1995 (regulation 3).

The Child Support (Information, Evidence and Disclosure) Regulations 1992 are amended to apply to the provision of information on reviews (regulations 7 and 8); to set the time within which certain information is to be supplied (regulation 10); to extend the circumstances in which information can be given (regulation 11); and to make provision for disclosure of information by the Secretary of State to a child support officer and by a child support officer to the Secretary of State (regulation 12).

The Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992 are amended to allow an application for a maintenance assessment to be made notwithstanding that a court order is in existence, where the court has decided that it has no power to vary or enforce that order (regulation 14).

The Child Support (Maintenance Assessment Procedure) Regulations 1992 are amended in the following respects –

- (a) regulations 8 and 9 are divided into a number of regulations to make them more comprehensible. Amendments have also been made to make provision for the effective date of Category B interim maintenance assessments generally to have the same effective date as would be applicable to a full maintenance assessment in that case; for effective dates of interim maintenance assessments made where an absent person has failed to provide information required on review; for an interim maintenance assessment to cease to have effect where a child support officer receives information as to an absent parent's circumstances for part but not the whole of the period since the maintenance enquiry form was sent; and in some circumstances for review of a cancellation of an interim maintenance assessment (regulations 16 and 17);
- (b) regulation 16A is inserted to make provision for notification of lapsing of an appeal under section 20A of the Act (regulation 23);
- (c) regulation 18 is substituted to provide that where an application for a review under section 17 of the Act is received less than 8 weeks before a periodical review under section 16 of the Act is due to take place, the periodical review rather than the review under section 17 shall be done (regulation 25);
- (d) regulation 19 is amended to make new provision for reviews under section 17 of the Act to take account of the amendment of that section. The regulation provides that a child support officer must take account of matters which are brought to his attention by the parties (regulation 26);
- (e) regulation 30A is inserted to provide for effective dates of new assessments which relate to part only of the period after the maintenance enquiry form was sent and also for the effective date of a subsequent assessment made when all relevant information is available for the whole of the relevant period (regulation 33);
- (f) regulation 31 is divided into a number of regulations to make it more comprehensible and some amendments are made to effective dates of

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assessments made on review, in particular, on a review under the new provisions of section 19 of the Act (regulation 34);

- (g) regulations 35A and 40A are inserted to make provision for the circumstances in which a reduced benefit direction should not be given or will be suspended (regulations 37 and 38).

The Child Support (Maintenance Assessments and Special Cases) Regulations 1992 are amended to make further provision for the definition of “relevant week” for the purposes of reviews and the definition of “day to day care” (regulation 40); to make clear that where housing costs consist of fees paid for residential care, the amount of such fees, for the purposes of exempt and protected income, shall be net of any housing benefit (regulations 42 and 43); to make provision for adjustment of existing maintenance assessments where a new application is made in multiple application cases (regulation 45); and to make provision for the value of a compensating transfer made out of assets belonging to the parent with care alone (regulation 48).

Other amendments made are of a minor, technical or consequential nature.

These Regulations do not impose any costs on business.