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STATUTORY INSTRUMENTS

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**1996 No. 2907**

**The Child Support Departure Direction and  
Consequential Amendments Regulations 1996**

**[<sup>F1</sup>PART I**

**GENERAL**

**[<sup>F1</sup> Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Child Support Departure Direction and Consequential Amendments Regulations 1996 and shall come into force on 2nd December 1996.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Child Support Act 1991;

“the Appeal Regulations” means the Child Support Appeal Tribunals (Procedure) Regulations 1992 <sup>M1</sup>;

“applicant” has the same meaning as in Schedule 4B to the Act;

“application” means [<sup>F2</sup>, except in regulations 32A to 32G,] an application for a departure direction;

“Arrears Regulations” means the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 <sup>M2</sup>;

<sup>F3</sup>  
...

“Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992 <sup>M3</sup>;

“Departure Direction Anticipatory Application Regulations” means the Child Support Departure Direction (Anticipatory Application) Regulations 1996 <sup>M4</sup>;

“departure direction application form” means the form provided by the Secretary of State in accordance with regulation 4(1);

[<sup>F4</sup>“designated authority” means—

- (a) the Secretary of State;
- (b) a person providing services to the Secretary of State;
- (c) a local authority; or
- (d) a person providing services to, or authorised to exercise any functions of, any such authority;]

“effective date” in relation to a departure direction means the date on which that direction takes effect;

[<sup>F5</sup>“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

“Information, Evidence and Disclosure Regulations” means the Child Support (Information, Evidence and Disclosure) Regulations 1992 <sup>M5</sup>;

“Maintenance Arrangements and Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992 <sup>M6</sup>;

“Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992 <sup>M7</sup>;

“Maintenance Assessments and Special Cases Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 <sup>M8</sup>;

“maintenance period” has the same meaning as in regulation 33 of the Maintenance Assessment Procedure Regulations;

“non-applicant” means—

- (a) where the application has been made by a person with care, the absent parent;
- (b) where the application has been made by an absent parent, the person with care;

[<sup>F6</sup>“official error” means an error made by—

- (a) an officer of the Department of Social Security acting as such which no person outside that Department caused or to which no person outside that Department materially contributed;
- (b) [<sup>F7</sup>a person employed by a designated authority acting on behalf of the authority, which no person outside that authority caused or to which no person outside that authority materially contributed,

but excludes any error of law which is only shown to have been an error by virtue of a subsequent decision of [<sup>F8</sup>the Upper Tribunal] or the court;]]

“partner” has the same meaning as in paragraph (2) of regulation 1 of the Maintenance Assessments and Special Cases Regulations <sup>M9</sup>;

“relevant person” means—

- (a) an absent parent, or a person who is treated as an absent parent under regulation 20 of the Maintenance Assessments and Special Cases Regulations (persons treated as absent parents), whose liability under a maintenance assessment may be affected by any departure direction given following an application;
- (b) a person with care, or a child to whom section 7 of the Act applies, where the amount of child support maintenance payable under a maintenance assessment relevant to that person with care or that child may be affected by any departure direction given following an application[<sup>F9</sup>;

[<sup>F9</sup>“relevant universal credit” means, in relation to an absent parent or parent with care, an award of universal credit made to the parent in question, where the award is calculated on the basis that the parent does not have any earned income;]

[<sup>F9</sup>“universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012]

[<sup>F10</sup>(2A) For the purposes of the definition of “relevant universal credit” in paragraph (2), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.]

(3) In these Regulations, unless the context otherwise requires, a reference—

- (a) to the Schedule, is to the Schedule to these Regulations;
- (b) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (c) in a regulation or the Schedule to a numbered paragraph is to the paragraph in that regulation or the Schedule bearing that number;

- (d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.]

#### Textual Amendments

- F1** Instrument Regulations revoked (coming into force in accordance with reg. 1(4) of the amending S.I.) by [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), **reg. 10(d)**
- F2** Words in reg. 1(2) inserted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), **regs. 1(1)**, 34(a)
- F3** Words in reg. 1(2) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 112(a)**
- F4** Words in reg. 1(2) substituted (30.9.2002) by [The Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, **Sch. 2 para. 5**
- F5** Words in reg. 1(2) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **60(2)**
- F6** Words in reg. 1(2) substituted (3.4.2000) by [The Social Security \(Work-focused Interviews\) Regulations 2000 \(S.I. 2000/897\)](#), reg. 1, **Sch. 6 para. 9(b)** (with reg. 2(5))
- F7** Words in reg. 1(2) substituted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **10**
- F8** Words in reg. 1(2) substituted (3.11.2008) by [The Tribunals, Courts and Enforcement Act 2007 \(Transitional and Consequential Provisions\) Order 2008 \(S.I. 2008/2683\)](#), art. 1, **Sch. 1 para. 75**
- F9** Words in reg. 1(2) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **42(2)(a)**
- F10** Reg. 1(2A) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **42(2)(b)**

#### Marginal Citations

- M1** [S.I. 1992/2641](#). Regulations 3 and 11 were amended by [S.I. 1995/1045](#) and [S.I. 1996/2450](#). Regulation 5, 6, and 7 were amended by [S.I. 1996/2450](#) and regulation 13 by [S.I. 1996/182](#) and [1996/2450](#).
- M2** [S.I. 1992/1816](#).
- M3** [1992 c.4](#). Regulation 10 was substituted by [S.I. 1995/1045](#).
- M4** [S.I. 1996/635](#).
- M5** [S.I. 1992/1812](#). Regulation 9A was inserted by [S.I. 1995/1045](#) and amended by [S.I. 1995/3261](#), which also substituted regulation 10 and inserted regulation 10A.
- M6** [S.I. 1992/2645](#). Regulation 8 was amended by [S.I. 1995/913](#).
- M7** [S.I. 1992/1813](#). Regulation 10 was amended by [S.I. 1994/227](#), [1995/123](#), [1995/1045](#) and [1995/3261](#).
- M8** [S.I. 1992/1815](#). Regulation 9 was amended by [S.I. 1995/1045](#) and [1996/1945](#) and regulation 22 by [S.I. 1993/913](#) and [1995/1045](#).
- M9** Paragraph (2) of regulation 1 has been amended by [S.I. 1993/913](#), [1995/1045](#) and [3261](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support Departure Direction and Consequential Amendments Regulations 1996, Section 1.