

1996 No. 3196

FAMILY LAW

CHILD SUPPORT

**The Child Support (Miscellaneous Amendments) (No. 2)
Regulations 1996**

Made - - - - - *18th December 1996*
Coming into force *13 January 1997*

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), 17(6) and (7), 21(2), 46(11), 47, 51, 52, and 54 of, and paragraphs 5(1), (2), and (4), 6(4), 8, and 11 of Schedule 1 to the Child Support Act 1991(b), and all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(c), 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 1996 and shall come into force on 13th January 1997.

(2) In these Regulations—

“the Act” means the Child Support Act 1991;

“the Appeal Regulations” means the Child Support Appeal Tribunals (Procedure) Regulations 1992(d);

“the Fees Regulations” means the Child Support Fees Regulations 1992(e);

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

“the Maintenance Assessments and Special Cases Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(g).

(a) 1991 c.48.

(b) Section 54 is cited because of the meaning ascribed to the word “prescribed”.

(c) 1992 c.53.

(d) S.I. 1992/2641; amended by S.I. 1995/1045, 1996/182, 1945 and 2450.

(e) S.I. 1992/3094; amended by S.I. 1994/227 and 1995/1045.

(f) S.I. 1992/1813; amended by S.I. 1993/913, 1994/227, 1995/1045 and 3261 and 1996/1345, 1945, 2344 and 2538.

(g) S.I. 1992/1815; amended by S.I. 1993/913, 1994/227, 1995/1045 and 3261, and 1996/481, 1345, and 1945.

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- [Regulation 2 substitutes regulation 2 of S.I. 1992/2641.]
- [Regulation 3 amends regulation 3 of S.I. 1992/2641.]
- [Regulation 4 amends regulation 3 of S.I. 1992/3094.]
- [Regulation 5 amends regulation 1 of S.I. 1992/1813.]
- [Regulation 6 amends regulation 8D of S.I. 1992/1813.]
- [Regulation 7 amends regulation 20 of S.I. 1992/1813.]
- [Regulation 8 amends regulation 30A of S.I. 1992/1813.]
- [Regulation 9 revokes regulations 40A and 49A of S.I. 1992/1813.]
- [Regulation 10 amends regulation 1 of S.I. 1992/1815.]
- [Regulation 11 inserts regulation 10A into S.I. 1992/1815.]
- [Regulation 12 amends regulation 12 of S.I. 1992/1815.]
- [Regulation 13 amends Schedule 1 to S.I. 1992/1815.]
- [Regulation 14 amends Schedule 2 to S.I. 1992/1815.]
- [Regulation 15 amends Schedule 3 to S.I. 1992/1815.]

Transitional provision

Words substituted in para. (1) and deleted in para. (2) by art. 44 of S.I. 1999/1510 as from 1.6.99.

16.—▶(1) A decision with respect to a maintenance assessment in force on 13th January 1997 shall not be superseded by a decision under section 17 of the Act solely to give effect to these Regulations.◀

(2) Where the amount of child support maintenance fixed by any fresh assessment ▶◀ is affected by the provisions of these Regulations, the effective date of that assessment shall not be earlier than the first day of the first maintenance period which commences on or after 13th January 1997.

(3) The provisions of regulations 40A and 49A of the Maintenance Assessment Procedure Regulations in force prior to 13th January 1997 shall continue to apply to a reduced benefit direction which at that date is suspended under the provisions of regulation 40A.

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

18th December 1996

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulations 2 and 3 amend the Child Support Appeal Tribunals (Procedure) Regulations 1992 to make provision for notice of appeal to be lodged with the Secretary of State at the Child Support Agency Appeals Unit.

Regulation 4 amends the Child Support Fees Regulations 1992, deferring the reintroduction of fees until April 1999.

Regulations 5 to 9 amend the Child Support (Maintenance Assessment Procedure) Regulations 1992 in the following respects:

- (a) regulation 5 makes a drafting amendment to paragraph (6) of regulation 1;
- (b) regulation 6 clarifies the provisions of paragraph (8) of regulation 8D;
- (c) regulation 7 creates an exception to the *de minimis* provisions of regulation 20 where, following a review under section 17, the child support officer determines that the case no longer falls within paragraph 5(4) of Schedule 1 to the Act;
- (d) regulation 8 clarifies existing effective date provisions and makes provision for the effective date of a new maintenance assessment which relates to part only of the period after the maintenance enquiry form was sent and also for the effective date of an assessment made, subsequently, when all relevant information is available for the whole of the relevant period.
- (e) regulation 9 revokes the provision made for suspension, in certain circumstances, of a reduced benefit direction.

Regulations 10 to 15 amend the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 in the following respects:

- (a) regulation 10 inserts three new definitions and amends the definition of “personal pension scheme”, to reflect the definition now utilised by the Income Support (General) Regulations 1987;
- (b) regulation 11 inserts a new regulation 10A, which prescribes family credit and disability working allowance, with certain exceptions, for the purposes of paragraph 5(4) of Schedule 1 to the Act;
- (c) regulation 12 provides for the disposable income figure prescribed in regulation 12(1)(b) to be reduced by the amount of any maintenance payable under certain maintenance orders;
- (d) regulation 13 makes various amendments to Schedule 1;
- (e) regulation 14 amends Schedule 2, providing for payments made in lieu of community care services to be disregarded in calculating or estimating net income;
- (f) regulation 15 makes various amendments to Schedule 3.

Regulation 16 makes certain transitional provisions.

These Regulations impose no costs on business.

