
STATUTORY INSTRUMENTS

2000 No. 3186

The Child Support (Transitional Provisions) Regulations 2000

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Child Support (Transitional Provisions) Regulations 2000 and shall come into force on the day on which section 29 of the 2000 Act comes fully into force.

Interpretation

2.—(1) In Parts I to III and V except where otherwise stated—

“the Act” means the Child Support Act 1991;

“the Assessment Calculation Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(1);

“the Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992(2);

“the 2000 Act” means the Child Support, Pensions and Social Security Act 2000;

“calculation date” means the date the Secretary of State makes a conversion decision;

“capped amount” means the amount of income for the purposes of Part I of Schedule 1 to the Act where that income is limited by the application of paragraph 10(3) of that Schedule;

“case conversion date” means the effective date for the conversion of the non-resident parent’s liability to pay child support maintenance from the rate as determined under the former Act and Regulations made under that Act, as provided for in regulation 15;

“commencement date” means the date on which section 1 of the 2000 Act, which amends section 11 of the Act, comes into force for the purposes of maintenance calculations the effective date of which, were they maintenance assessments, applying the Assessment Procedure Regulations or the Maintenance Arrangements and Jurisdiction Regulations, and subject to paragraph (2), would be the same as or later than the date prescribed for the purposes of section 4(10)(a) of the Act(3);

“conversion calculation” means the calculation made in accordance with regulation 16;

“conversion date” means the date on which section 1 of the 2000 Act, which amends section 11 of the Act, comes into force for all purposes;

“conversion decision” means the decision under regulation 3(1) or (4);

(1) [S.I. 1992/1815](#). The Regulations are revoked by the Child Support (Maintenance Calculations and Special Cases) Regulations S.I. 2000/.

(2) [S.I. 1992/1813](#). The Regulations are revoked by the Child Support (Maintenance Calculation Procedure) Regulations S.I. 2000/.

(3) Section 4(10)(a) is amended by section 2(2) of the Child Support, Pensions and Social Security Act 2000.

“Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999(4);

“departure direction” has the meaning given in section 54 of the former Act;

“Departure Regulations” means the Child Support Departure Direction and Consequential Amendments Regulations 1996(5);

“first prescribed amount” means the amount stated in or prescribed for the purposes of paragraph 4(1)(b) or (c) of Part I of Schedule 1 to the Act (flat rate for non-resident parent in receipt of benefit, pension or allowance);

“former Act” means the Act prior to its amendment by the 2000 Act;

“former assessment amount” means the amount of child support maintenance payable under a maintenance assessment on the calculation date excluding amounts payable in respect of arrears or reductions for overpayments;

“interim maintenance assessment” has the meaning given in section 54 of the former Act;

“Maintenance Arrangements and Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(6) prior to their amendment by the Child Support (Information, Evidence and Disclosure and Maintenance Arrangements and Jurisdiction) (Amendment) Regulations 2000(7);

“maintenance assessment” has the meaning given in section 54 of the former Act other than an interim maintenance assessment;

“Maintenance Calculations and Special Cases Regulations” means the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(8);

“maintenance period” has the meaning given in regulation 33 of the Assessment Procedure Regulations(9) and, where in relation to a non-resident parent there is in force on the calculation date more than one maintenance assessment with more than one maintenance period, the first maintenance period to begin on or after the conversion date;

“maximum transitional amount” means 30% of the non-resident parent’s net weekly income taken into account in the conversion decision, or the subsequent decision, as the case may be;

“new amount” means the amount of child support maintenance payable in accordance with the conversion decision;

“partner” means, where there is a couple, the other member of that couple, and “couple” for this purpose has the same meaning as in paragraph 10C(5) of Part I of Schedule 1 to the Act;

“phasing amount” means the amount determined in accordance with regulation 24;

“relevant departure direction” and “relevant property transfer” have the meanings given in regulation 17;

“relevant other children” has the meaning given in paragraph 10C(2) of Part I of Schedule 1 to the Act and Regulations made under that paragraph;

“second prescribed amount” means the amount prescribed for the purposes of paragraph 4(2) of Part I of Schedule 1 to the Act (flat rate for non-resident parent who has a partner and who is in receipt of certain benefits);

“subsequent decision” means—

(4) S.I. 1999/991. The relevant amending instruments are S.I. 2000/1596 and S.I. 2000/3185.

(5) S.I. 1996/2907. The Regulations are revoked by the Child Support (Variations) Regulations S.I. 2000/ .

(6) S.I. 1992/2645. The Regulations are amended by S.I. 2000/ .

(7) S.I. 2000/ .

(8) S.I. 2000/ .

(9) Regulation 33 was amended by S.I. 1995/3261, 1996/1945 and 1999/1047.

(a) any decision under section 16 or 17 of the Act to revise or supersede a conversion decision; or

(b) any such revision or supersession as decided on appeal,

whether as originally made or as revised under section 16 of the Act or decided on appeal;

“subsequent decision amount” means the amount of child support maintenance liability resulting from a subsequent decision;

“transitional amount” means the amount of child support maintenance payable during the transitional period;

“transitional period” means—

(a) the period from the case conversion date to the end of the last complete maintenance period which falls immediately prior to the—

(i) fifth anniversary of the case conversion date; or

(ii) first anniversary of the case conversion date where regulation 12(1), (2), (4) or (5) or 13 applies; or

(b) if earlier, the period from the case conversion date up to the date when the amount of child support maintenance payable by the non-resident parent is equal to the new amount or the subsequent decision amount, as the case may be; and

“the Variations Regulations” means the Child Support (Variations) Regulations 2000 **(10)**.

(2) For the purposes of the definition of “commencement date” in paragraph (1)—

(a) in the application of the Assessment Procedure Regulations, where no maintenance enquiry form, as defined in those Regulations, is given or sent to the non-resident parent, the Regulations shall be applied as if references in regulation 30 of those Regulations—

(i) to the date when the maintenance enquiry form was given or sent to the non-resident parent were to the date on which the non-resident parent is first notified by the Secretary of State, orally or in writing, that an application for child support maintenance has been made in respect of which he is named as the non-resident parent; and

(ii) to the return by the non-resident parent of the maintenance enquiry form containing his name, address and written confirmation that he is the parent of the child or children in respect of whom the application was made, were to the provision of this information by the non-resident parent; or

(b) in the application of the Maintenance Arrangements and Jurisdiction Regulations, where no maintenance enquiry form, as defined in the Assessment Procedure Regulations, is given or sent to the non-resident parent, regulation 3(8) shall apply as if the reference to the date when the maintenance enquiry form was given or sent were to the date on which the non-resident parent is first notified by the Secretary of State, orally or in writing, that an application for child support maintenance has been made in respect of which he is named as the non-resident parent.

(3) In these Regulations any reference to a numbered Part is to the Part of these Regulations bearing that number, any reference to a numbered regulation is to the regulation in these Regulations bearing that number and any reference in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number.