
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for various procedural matters relating to an application for a maintenance calculation under the Child Support Act 1991 (c. 48) (“the Act”), and make provision in respect of effective dates of calculations and of reduced benefit decisions, consequent upon the introduction of changes to the child support system made by the Child Support, Pensions and Social Security Act 2000 (c. 19). Subject to savings for transitional purposes these Regulations revoke the [Child Support \(Maintenance Assessment Procedure\) Regulations 1992 \(1992/1813\)](#). These Regulations come into force at different times for different cases according to the dates on which provisions of the Child Support, Pensions and Social Security Act 2000 which are relevant to these Regulations are commenced for different types of cases.

Regulation 1 contains provisions relating to citation, commencement and interpretation. Schedule 1 contains provisions relating to the interpretation of a “child” for the purposes of the Act.

Regulation 2 contains provisions relating to the service and receipt of documents and regulation 3 sets out the procedures in relation to an application for a maintenance calculation.

Regulation 4 and Schedule 2 provide for multiple applications for a maintenance calculation.

Regulations 5 and 6 provide for notice to be given to the non-resident parent and any other relevant person when an effective application for a maintenance calculation has been made or treated as made by the person with care, and for the procedure on the death of a qualifying child.

Regulation 7 prescribes the default rate, payable when a default maintenance decision is made under section 12(1) of the Act.

Regulation 8 contains provisions relating to interpretation for the purposes of Part IV of these Regulations (reduced benefit decisions).

Regulation 9 prescribes the period within which reasons are to be given by the parent with care for the purposes of section 46(2) of the Act.

Regulations 10 to 20 make provision as to the amount and duration of reduced benefit decisions following a request under section 6(5) of the Act, or a failure to comply with the obligation in section 6(7) of the Act, or a refusal to take a scientific test (within the meaning of section 27A of the Act).

Regulation 21 prescribes persons who are not persons with care for the purposes of the Act and regulation 22 makes provision for the authorisation of representatives. Regulations 23 and 24 set out what is to be notified following decisions by the Secretary of State.

Regulations 25 to 29 prescribe the effective dates of maintenance calculations.

Regulation 30 revokes the [Child Support \(Maintenance Assessment Procedure\) Regulations 1992](#) with savings for transitional purposes. Regulation 31 makes transitional provision for the effective date of a calculation applied for after the new system comes into force where there is an assessment in force under the previous scheme and where reduced benefit decisions have been made or are being considered when the new system comes into force.

The impact on business of these Regulations was covered in the Regulatory Impact Assessment (RIA) for the Child Support, Pensions and Social Security Act 2000, in accordance with which, and in consequence of which, these Regulations are made. A copy of that RIA has been placed in the libraries of both Houses of Parliament and can be obtained from the Department of Social Security, Regulatory Impact Unit, Adelphi, 1–11 John Adam Street, London, WC2N 6HT.