
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the amendment of regulations relating to child support. Regulation 1 makes provision for citation, commencement and interpretation.

The powers exercised to make these Regulations are those in the Child Support Act 1991 (“the 1991 Act”) and the Child Support, Pensions and Social Security Act 2000 (“the 2000 Act”). Of those in the 1991 Act, some of the powers are those prior to the amendments made to that Act by the 2000 Act, in so far as those amendments are not yet fully in force, and others are those following amendments made to that Act by the 2000 Act.

Regulations 6, 7, 8 and 9 amend the following Regulations and their provisions will take effect when those Regulations come into force, which is at different times for different cases as determined by commencement order made under section 86(2) of the 2000 Act:

the Child Support (Maintenance Calculation Procedure) Regulations 2000 (“the Maintenance Calculation Procedure Regulations”);

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

the Child Support (Transitional Provisions) Regulations 2000 (“the Transitional Regulations”);

the Child Support (Variations) Regulations 2000 (“the Variations Regulations”).

Regulations 2 and 4(a) amend the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the Decisions and Appeals Regulations”) and the Child Support (Information, Evidence and Disclosure) Regulations 1992 (“the Information Regulations”), respectively and will come into force at different times for different cases as determined by commencement order made under section 86(2) of the 2000 Act.

Regulations 3, 4(b), 5 and 10 amend Regulations which are in force and come into effect the day after these Regulations are made.

Regulation 2 amends the Decisions and Appeals Regulations. Paragraph (2)(a)(i) inserts a new ground for revision under regulation 3A of the Decisions and Appeals Regulations. Paragraph (2)(a)(ii) provides for revision of certain (maintenance calculation) decisions where a person was not the parent of a relevant child; paragraph (2)(c) inserts a new paragraph (5A) into regulation 3A of the Decisions and Appeals Regulations to provide for certain decisions to be revised at any time. Paragraph (4) provides dates when a supersession takes effect in a case where a flat rate liability is being paid, will become payable or will cease to be payable, at a different rate in accordance with paragraph 4(2) of Schedule 1 to the 1991 Act, when non-resident parents become or cease to become partners and certain other consequential and incidental provisions as to supersession and time limits for appeals.

Regulation 3 amends the Child Support Departure Direction and Consequential Amendments Regulations 1996 to provide that certain payments in respect of variant Creutzfeldt-Jakob disease may not be taken into account for the purposes of a departure direction.

Regulation 4 amends the Information Regulations to add to the categories of persons under a duty to furnish information and regulation 5 amends the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 so that an Income Support enhanced disability premium can be included in the calculation of exempt income.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 6 makes minor amendments to the Maintenance Calculation Procedure Regulations. It also specifies the period of notice for the purposes of section 46(6) of the 1991 Act, makes provisions for the effective date of maintenance calculations in specific cases and clarifies that the transitional provisions in regulation 31(4)–(7) are to apply where section 6 of the 1991 Act prior to its amendment by the 2000 Act applied immediately before the commencement date.

Regulation 7 amends the Maintenance Calculations and Special Cases Regulations as to how disabled person’s tax credit is to be taken into account in calculating the income of a non-resident parent and clarifies the type of income from self-employment which will be relevant for a maintenance calculation.

Regulation 8 amends the Transitional Regulations to provide for the time within which an appeal must be brought against a conversion decision to be either within the time from the date of notification of the conversion decision to one month after the date on which that decision takes effect, or as determined under the Decisions and Appeals Regulations, whichever is the later. Regulation 8 also amends the Transitional Regulations to clarify which cases are within the conversion provisions in regulation 15(2) of those Regulations, to provide for the transitional amount to be payable in certain flat rate cases and its apportionment between persons with care, to make provision for the effect on a conversion calculation where there is more than one relevant property transfer, or a combination of relevant property transfers and relevant departure directions, to provide for case conversion date provisions to apply to all maintenance assessments, to provide additional cases where the subsequent decision amount is payable and to provide that the linking provisions in Regulation 28 do not apply in certain circumstances.

Regulation 9 makes a similar amendment to the Variations Regulations to that made by regulation 3 and makes other minor changes to those Regulations. It also amends regulation 7 of those Regulations so the preliminary consideration provisions apply to an application made under section 28A of the 1991 Act and amends regulation 18 of those Regulations to provide that in certain circumstances land or property held as a business or trade asset is not excluded from the definition of “asset”.

Regulation 10 makes a minor amendment to the Child Support (Variations) (Modification of Statutory Provisions) Regulations 2000.

These Regulations do not impose costs on business.