

2009 No. 396

FAMILY LAW

CHILD SUPPORT

**The Child Support (Miscellaneous Amendments)
Regulations 2009**

Made - - - - 25th February 2009
Laid before Parliament 4th March 2009
Coming into force - 6th April 2009

The Secretary of State, in exercise of the powers conferred by sections 14(1), 17(3) and (5), 28J(3), 50(1A) and (1C)(b), 51(2)(a), (b) and (f), 54 and 55(1)(c) of, and paragraph 5(a) of Schedule 1 to, the Child Support Act 1991(a) and section 57(2) of the Child Maintenance and Other Payments Act 2008(b), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Child Support (Miscellaneous Amendments) Regulations 2009 and shall come into force on 6th April 2009.

[Regulation 2 amends Schedule 1 of S.I. 1992/1813.]

[Regulations 3 and 4(15) revoked by Sch. to S.I. 2009/3151 as from 25.1.10.]

[Regulation 4 inserts Schedule 3D and amends regulations 3A, 4, 6A, 7B, 7C, 23, 24, 30, 30A of S.I. 1999/991.]

[Regulation 5 amends regulation 5 of S.I. 2001/155.]

[Regulation 6 substitutes regulation 14 of S.I. 2008/2551.]

Saving

7.—(1) Regulation 4 has no effect in relation to 1993 scheme cases.

(2) A 1993 scheme case is one in respect of which the provisions of the Child Support, Pensions and Social Security Act 2000(c) have not been brought into force in accordance with article 3 of the Child Support, Pensions, and Social Security Act 2000 (Commencement No.12) Order 2003(d).

(a) 1991 c. 48. Section 28J was inserted by section 20 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”). Section 50(1A) to (1C) were inserted by section 57 of, and paragraph 1(20) of Schedule 7 to, the Child Maintenance and Other Payments Act 2008 (c. 6). Section 51(2) was amended by section 1(2)(a) of, and paragraph 11(19) of Schedule 3 to, the 2000 Act. Section 54 is cited for the definition of “prescribed”. Part 1 of Schedule 1 was substituted by section 1(3) of, and Schedule 1 to, the 2000 Act.

(b) 2008 c. 6.

(c) 2000 c. 19.

(d) S.I. 2003/192.

Signed by authority of the Secretary of State for Work and Pensions.

25th February 2009

Kitty Ussher
Parliamentary Under Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 makes consequential amendment to the Child Support (Maintenance Assessment Procedure) Regulations 1992 (S.I. 1992/1813) by adding a reference to income-related employment and support allowance, which was introduced by Part 1 of the Welfare Reform Act 2007 (c. 5).

Regulation 3 makes an amendment to regulation 10 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 (S.I. 1992/1816) consequential on regulation 4.

Regulation 4 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) (“the Decisions and Appeals Regulations”) for two purposes. First, it amends references to the Secretary of State in consequence of the transfer of child support functions to the Child Maintenance and Enforcement Commission by the Child Maintenance and Other Payments Act 2008 (c. 6). Secondly, it consolidates and simplifies certain provisions in the Decisions and Appeals Regulations relating to revision and supersession of child support decisions. Accordingly—

a new regulation 6A, setting out circumstances in which a supersession decision may or may not be made, has been substituted;

a new Schedule 3D, setting out the exceptions to the general rule in section 17 of the Child Support Act 1991 as to the date from which a supersession decision takes effect (previously set out in regulation 7B), has been inserted; the provisions regarding adjustment of amounts payable under a maintenance calculation in relation to voluntary payments and overpayments of child support maintenance have been amended so that sections 16 and 17 of the Child Support Act 1991 no longer apply, but the right of appeal is retained.

Regulation 5 amends regulation 5 of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 (S.I. 2000/155) by removing from the categories of persons liable for the nil rate of child support maintenance those persons who have been hospital in-patients for 52 weeks or more. This is a result of the revocation of the Social Security (Hospital In-Patients) Regulations 1975 (S.I. 1975/555) on 10th April 2006 by the Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), from which date the benefits of hospital in-patients are no longer down-rated. As a consequence of this change, such persons are no longer subject to the nil rate of child support maintenance.

Regulation 6 substitutes a new regulation 14 in the Child Support Information Regulations (S.I. 2008/2551). It adds employment as a member of a committee or sub-committee established under paragraph 11 of Schedule 1 to the Child Maintenance and Other Payments Act 2008 to those subject to the offence of unauthorised disclosure of information in section 50(1) of the Child Support Act 1991 and prescribes the kinds of employment to which the offence for unauthorised disclosure in section 50(1B) of that Act applies.

Regulation 7 makes clear that the amendments in regulation 4 are not applicable to those cases (often referred to as “old scheme cases”) in respect of which the provisions of the Child Support, Pensions and Social Security Act 2000 (c. 19) have not been commenced.

A full impact assessment has not been produced for this instrument as it has no impact on the private and voluntary sectors.

