
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers in the Child Support Act 1991 (c. 48) (“the 1991 Act”) and come into force on 4th July 2011. They amend the Social Security and Child Support (Decisions and Appeals) Regulation 1999 (“the Decisions and Appeals Regulations”), the Child Support (Maintenance Assessment Procedure) Regulations 1992 (“Maintenance Assessment Procedure Regulations”) and the Child Support (Maintenance Calculation Procedure) Regulations 2000 (“the Maintenance Calculation Procedure Regulations”).

Regulation 2 amends the Decisions and Appeals Regulations. This regulation inserts a new definition into regulation 1(3) of those Regulations, provides that regulation 6B of those Regulations does not apply where a decision is made to which paragraph 15 of Schedule 1 to the 1991 Act applies, prescribes two new categories of case to which the effective date in paragraph 3 of Schedule 3D to those Regulations applies (one for relevant other children and the other for non-resident parent or partner on or off benefit), inserts a new paragraph 3A in Schedule 3D which supplements the new on or off benefit category of case in paragraph 3, consequentially omits paragraph 4 and makes a minor amendment to paragraph 8 of that Schedule.

Regulation 3 amends the Maintenance Assessment Procedure Regulations. This regulation substitutes regulation 17(6) of those Regulations to limit the disapplication of paragraph (1) to a material change of circumstances. Regulation 21 of those Regulations is amended in the same manner as regulation 6B of the Decisions and Appeals Regulations. Regulation 23 is amended to substitute a new effective date for paragraph (2) (absent parent and parent with care on or off benefit), substitute paragraph (19) of that regulation with an effective date which applies to relevant other children as well as qualifying children, insert a new effective date into that regulation for the purposes of decisions made to which paragraph 15 of Schedule 1 of the Act applies, make provision which supplements the substituted effective date in paragraph (2) and insert a definition for the purposes of new paragraph (19) of regulation 23.

Regulation 4 amends the Maintenance Calculation Procedure Regulations. Regulation 26 (effective dates of maintenance calculations—maintenance order and application under section 4 or 7) of those Regulations is amended to include maintenance agreements registered for execution in the Books of Council and Session or the sheriff court books within the scope of the effective date provided for by that regulation.

A full impact assessment has not been published for this instrument as it has no impact on the private sector and civil society organisations.