
STATUTORY INSTRUMENTS

2012 No. 2785

**The Child Support (Meaning of Child and
New Calculation Rules) (Consequential and
Miscellaneous Amendment) Regulations 2012**

PART 1

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012.

(2) This regulation and regulation 11 come into force on 10th December 2012.

(3) Regulations 2 and 3 come into force on the day on which section 42 of the 2008 Act (meaning of “child”) comes into force.

(4) Subject to paragraph (5), regulations 4 to 10 and 12 come into force in relation to a particular case on the day on which paragraph 2 of Schedule 4 to the 2008 Act (calculation by reference to gross weekly income) comes into force in relation to that type of case.

(5) Regulations 4(3) to (6) and 12 come into force in relation to an arrears-only case on 10th December 2012, subject to the saving in regulation 11(1).

(6) In these Regulations—

“2008 Act” means the Child Maintenance and Other Payments Act 2008.

“arrears of child support maintenance” means—

- (a) any payment of child support maintenance which has become due in relation to a maintenance assessment, or a maintenance calculation made under 2003 scheme rules, and not paid; and
- (b) the Secretary of State is arranging for the collection of that maintenance under section 29 of the 1991 Act;

“arrears-only case” means a case in which—

- (a) there are arrears of child support maintenance; and
- (b) there is—
 - (i) no maintenance assessment, or maintenance calculation made under 2003 scheme rules, still in force; and
 - (ii) no application for a maintenance assessment, or a maintenance calculation falling to be made under 2003 scheme rules, still to be determined;

“the Collection and Enforcement Regulations” means the Child Support (Collection and Enforcement) Regulations 1992⁽¹⁾.

(7) For the purposes of this regulation, a maintenance calculation is made (or will fall to be made) under 2003 scheme rules if the amount of the periodical payments required to be paid in accordance with it is (or will be) determined otherwise than in accordance with Part 1 of Schedule 1 to the Child Support Act 1991 as amended by Schedule 4 to the Child Maintenance and Other Payments Act 2008.

⁽¹⁾ S.I. 1992/1989.