
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous and consequential amendments to various Child Support Regulations.

Regulations 2, 6 and 8 amend, respectively, the Child Support (Maintenance Assessment Procedure) Regulations 1992 (S.I. 1992/1813), the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) and the Child Support Maintenance Calculation Regulations 2012 (S.I. 2012/2677). These Regulations relate, respectively, to the 1993 scheme for administering child support maintenance, the 2003 scheme and the 2012 scheme. A regulation is inserted into each set of Regulations which allows the Secretary of State to correct accidental errors in decisions and records of decisions made by the Secretary of State under the Child Support Act 1991 (c. 48) (“the 1991 Act”). The corrected decision or record will be treated as part of the original decision or record. Notice of the corrected decision or record must be given as soon as is practicable to those persons who were required to be notified of the original decision. Paragraph (4) of each regulation means that the period within which such a person may make an application for revision begins on the day the notice of the correction is given. Paragraph (2) of each of regulations 2, 6 and 8 makes a consequential amendment to the revision provision in each set of regulations.

Regulation 3 amends Schedule 2 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (S.I. 1992/1815), which applies to the 1993 scheme of child support. The amendment is consequential on the Childcare Payments Act 2014 (c. 28) and means that a top-up payment made under that Act will not be taken into account when calculating a parent’s income for the purposes of assessing the amount of child support maintenance payable.

Regulation 4 amends regulations 10A(1)(a) and 10B of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 (S.I. 1992/1816). Regulation 10A(1)(a) allows the Secretary of State to pursue reimbursements of repayments of overpaid child maintenance. Regulation 10B allows the Secretary of State to pursue reimbursements of repayments of voluntary payments. If a person liable to make payments of child support (the “liable person”) has made an overpayment or voluntary payment of child maintenance, and the Secretary of State has made a payment by way of reimbursement of this overpayment or voluntary payment to the liable person, the Secretary of State may require the person who received that payment to repay the whole or a part of the payment. Regulations 10A(1)(a) and 10B are both amended so that the Secretary of State may not require a person who received such a payment to repay it where that person was in receipt of income-related employment and support allowance when the overpayment or voluntary payment occurred or when the reimbursement was made.

Regulation 5 makes technical amendments to Schedule 1 to the Child Support (Collection and Enforcement) Regulations 1992 (S.I. 1992/1989).

Regulation 7 inserts a new regulation into the Child Support Information Regulations 2008 (S.I. 2008/2551) which prescribes information for the purposes of section 49D(2)(c) of the 1991 Act. Section 49D allows the Secretary of State to disclose prescribed information relating to liable persons to credit reference agencies in certain circumstances. This new regulation prescribes the information that may be disclosed. This new regulation also makes provision for notifying the liable person that the Secretary of State intends to disclose information to a credit reference agency.

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