
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Child Support (Collection and Enforcement and Maintenance Calculation) (Amendment) Regulations 2021 (S.I. 2021/738) which contained referencing errors in: the correction banner, inserted regulation 76(3) and, in the Explanatory Note, references to regulation 4(2) and (3) of those Regulations.

These Regulations amend the Child Support (Collection and Enforcement) Regulations 1992 (S.I. 1992/198). The prescribed forms for use in England and Wales by magistrates' courts when making a liability order, a warrant of commitment, disqualification from holding or obtaining a driving licence, and disqualification from holding or obtaining a United Kingdom passport are all omitted.

These Regulations also amend the Child Support Maintenance Calculation Regulations 2012 (S.I. 2012/2677) by inserting regulations 76(2) to (4). Regulation 76(1) (as renumbered by these Regulations) sets out the condition for a person who has reached the age of 16 and is under the age of 20 to fall within the definition of "child" for the purposes of the Child Support Act 1991 (c. 48) (the "1991 Act"). Regulation 76(1) states that such a person must be a "qualifying young person" as defined in section 142(2) of the Social Security Contributions and Benefits Act 1992 (c. 4).

The effect of inserted regulation 76(2)(a) is that a person who is in paid work, or working in expectation of payment, ("remunerative work") in any week in the "prescribed period" is not a "qualifying young person" and, therefore, is not a "child" for the purposes of the 1991 Act. The person is not, therefore, the subject of child support.

The "prescribed period" is defined in regulation 7(2) of the Child Benefit (General) Regulations 2006 ("the 2006 Regulations"). It is the period of time between a person leaving relevant education or approved training and the applicable terminal date, or their 20th birthday, whichever is sooner. There are four terminal dates which are: the last day of February, May, August and November.

The effect of inserted regulation 76(2)(b) and (4) is that a person who is in receipt of the benefits and credits mentioned in regulation 8(2) of the 2006 Regulations does not satisfy the condition of being a "qualifying young person" and therefore is not a "child" for the purposes of the 1991 Act. The person is not the subject of child support.

Where a person is entered for exams, inserted regulation 76(3) provides that the prescribed period ends in "the week in which" the applicable terminal date falls. After the prescribed period ends, the person is no longer a "child" and is not the subject of child support.

An impact assessment has not been produced for this instrument as it has no impact on business and civil society organisations.