

**2000 No. 3185****FAMILY LAW****CHILD SUPPORT****The Child Support (Decisions and Appeals)  
(Amendment) Regulations 2000***Made - - - - 4th December 2000**Laid before Parliament 6th December 2000**Coming into force as provided in regulation 1(1)*

The Secretary of State for Social Security, in exercise of the powers conferred on him by sections 16(1), (4) and (6), 17(3) and (5), 28G(2), 51 and 52(1) and (4) of the Child Support Act 1991 (a) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992 (b), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Child Support (Decisions and Appeals) (Amendment) Regulations 2000 and, subject to paragraph (2), shall come into force in relation to a particular case on the date on which sections 16, 17 and 20 of the Child Support Act 1991 as amended by the Child Support, Pensions and Social Security Act 2000 (c) come into force in relation to that type of case.

(2) For the purposes of any revision, supersession or appeal in relation to a decision which is made as provided in regulation 3 of the Child Support (Transitional Provisions) Regulations 2000 (d) these Regulations shall come into force on the day on which section 29 of the Child Support, Pensions and Social Security Act 2000 comes fully into force.

(3) In these Regulations “the principal Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999(e)

(4) In these Regulations any reference to a numbered regulation is to the regulation in the principal Regulations bearing that number and any reference to a numbered Part is to the Part of the principal Regulations bearing that number.

[Regulation 2 amends regulation 1(3) of S.I. 1999/991.]

[Regulation 3 amends regulation 2 of S.I. 1999/991.]

[Regulation 4 amends heading to Part II of S.I. 1999/991.]

[Regulation 5 inserts regulation 3A into S.I. 1999/991.]

[Regulation 6 amends regulation 4 of S.I. 1999/991.]

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(a) 1991 c. 48. Section 28G was substituted by section 7 of the Child Support, Pensions and Social Security Act 2000 (c. 19). Sections 16, 17 and 51 were amended by sections 8 and 9 of, and paragraph 11(19) of Schedule 3 to, that Act.

(b) 1992 c. 53.

(c) 2000 c. 19.

(d) S.I. 2000/3186.

(e) S.I. 1999/991. The relevant amending instrument is S.I. 2000/1596.

## Regs. 7-15

[Regulation 7 inserts regulation 5A into S.I. 1999/991.]

[Regulation 8 inserts regulations 6A and 6B into S.I. 1999/991.]

[Regulation 9 inserts regulations 7B and 7C into S.I. 1999/991.]

[Regulation 10 revoked by Sch. to S.I. 2009/3151 as from 25.1.10.]

[Regulation 11 amends regulation 30 of S.I. 1999/991.]

[Regulation 12 revoked by Sch. to S.I. 2009/3151 as from 25.1.10.]

[Regulation 13 amended by Sch. 2 of S.I. 2008/2683.]

**Revocation and savings**

<sup>1</sup>Words inserted in reg. 14(1) by reg. 2(2)(a) of S.I. 2003/347 as from 3.3.03.

**14.**—(1) Subject to <sup>1</sup> the Child Support (Transitional Provisions) Regulations 2000 and <sup>2</sup> paragraph (2), regulations 10(2) and (3) and 11 to 17 of the Arrears, Interest and Adjustment of Maintenance Assessments Regulations are hereby revoked.

(2) Where on the commencement date—

- (a) an appeal has not been decided;
- (b) the time limit for lodging an appeal has not expired;
- (c) the time limit for making an application for the revision of a decision has not expired; or
- (d) an application for a supersession of a decision has not been decided, the provisions in regulations 10(2) and (3) and 11 to 17 of the Arrears, Interest and Adjustment of Maintenance Assessments Regulations shall continue to apply for the purposes of—
  - (i) the decision of the appeal tribunal referred to in sub-paragraph (a);
  - (ii) the ability to lodge the appeal referred to in sub-paragraph (b) and the decision of the appeal tribunal following the lodging of that appeal;
  - (iii) the ability to apply for the revision referred to in sub-paragraph (c) and the decision whether to revise following any such application; or
  - (iv) the decision whether to supersede following the application referred to in sub-paragraph (d).

(3) Where on or after the commencement date an adjustment falls to be made in relation to a maintenance assessment, these Regulations shall not apply for the purposes of making the adjustment.

(4) In this regulation—

“commencement date” means, with respect to a particular case, the date on which these Regulations come into force with respect to that type of case;

“former Act” means the Child Support Act before its amendment by the Child Support, Pensions and Social Security Act 2000; and

“maintenance assessment” has the meaning given in the former Act.

<sup>2</sup>Para. (Z1) inserted in reg. 15 by reg. 2(4)(c) of S.I. 2003/347 as from 3.3.03.

**15.**—<sup>2</sup>(Z1) This regulation is subject to the Child Support (Transitional Provisions) Regulations 2000. <sup>1</sup>

(1) Where—

- (a) before the commencement date—
  - (i) an application was made and not determined for a departure direction or a revision or supersession of a decision in respect of a departure direction;
  - (ii) the Secretary of State had initiated but not completed a revision or supersession of a decision in respect of a departure direction; or
  - (iii) any appeal was lodged in respect of a departure direction decision which, on the commencement date, had not been decided; or
- (b) on the commencement date any time limit provided for in Regulations for making an application for a departure direction, or revision or, for making an appeal in respect of a departure direction decision, had not expired,

regulation 13 shall not apply for the purposes of any appeal—

- (aa) made in consequence of the decision on the application, revision or supersession referred to in paragraph (1)(a)(i);
- (bb) made in consequence of the revision or supersession referred to in paragraph (1)(a)(ii);
- (cc) referred to in paragraph (1)(a)(iii); or
- (dd) made within the time limit referred to in paragraph (1)(b) or made in consequence of a decision made on an application for a departure direction or revision made within the time limit referred to in that paragraph.

(2) In this regulation “commencement date” has the same meaning as in regulation 14.

Signed by authority of the Secretary of State for Social Security.

4th December 2000

*Jeff Rooker*  
Minister of State,  
Department of Social Security

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I. 1999/991) (“the principal Regulations”). The Regulations provide for the decision-making process under the Child Support Act 1991 (c. 48) (“the Child Support Act”) for child support and related matters, consequent upon the introduction of changes to the child support system made by the Child Support, Pensions and Social Security Act 2000 (c. 19). These Regulations come into force at different times for different cases according to the dates on which provisions of the Child Support, Pensions and Social Security Act 2000 which are relevant to these Regulations are commenced for different types of cases.

Regulation 1 contains provisions relating to citation, commencement and interpretation.

Regulation 2 inserts definitions into the principal Regulations for the purposes of the amendments made by these Regulations.

Regulation 3 amends regulation 2 of the principal Regulations to provide for notices served under the Child Support Act.

Regulation 4 makes a consequential amendment to the principal Regulations.

Regulations 5 and 7 insert regulations into the principal Regulations providing for the revision of child support decisions and when such decisions take effect.

Regulation 6 amends regulation 4 of the principal Regulations.

Regulations 8 and 9 insert regulations into the principal Regulations providing for the supersession of child support decisions, when such decisions take effect and related procedural rules.

Regulation 10 inserts regulations into the principal Regulations which enable the Secretary of State to request further information or evidence and invite representations where he has to make a decision which is connected to a previously determined variation and make provision in respect of notification following decisions made by him.

Regulation 11 amends regulation 30 of the principal Regulations.

Regulation 12 extends appeal rights to decisions adjusting amounts payable under maintenance calculations.

Regulation 13 substitutes a regulation in the principal Regulations providing for the procedure where the Secretary of State has referred an application for a variation to an appeal tribunal under section 28D(1)(b) of the Child Support Act.

Regulation 14 provides for the revocation and savings of regulations 10(2) and (3) and 11 to 17 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 (S.I. 1992/1816).

Regulation 15 provides for the saving of regulation 45 of the principal Regulations.

The impact on business of these Regulations was covered in the Regulatory Impact Assessment (RIA) for the Child Support, Pensions and Social Security Act 2000, in accordance with, and in consequence of which, these Regulations are made. A copy of that RIA has been placed in the libraries of both Houses of Parliament and can be obtained from the Department of Social Security, Regulatory Impact Unit, Adelphi, 1-11 John Adam Street, London WC2N 6HT.