
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provisions in consequence of the amendments made to the Child Support Act 1991 (c. 48) (“the 1991 Act”) by the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”).

Part I (regulations 1 and 2) deals with citation, commencement and interpretation. These Regulations come into force according to the date on which section 29 of the 2000 Act is fully commenced.

Part II (regulations 3 to 8) makes provision for decision making and appeals in relation to maintenance assessments made with effect before the date the new child support system comes into force for new cases. In particular provision is made for a conversion decision under which the assessment under the previous scheme becomes a calculation under the new scheme.

Part III (regulations 9 to 28) makes transitional provision. It specifies those cases where a transitional amount, instead of the new amount, is payable during a transitional period beginning on the case conversion date as provided for in regulation 15. The new amount is determined by a conversion calculation, provided for in regulations 16 to 23, and the transitional amount is determined by applying the phasing amounts, specified in regulation 24, to the amount payable under the maintenance assessment, or the conversion calculation, as appropriate (regulations 10 and 11). Different transitional amounts apply in certain flat rate cases (regulations 12 and 13).

Regulation 16(2) provides for the dispute provisions of the 1991 Act, as amended by the 2000 Act, to apply to the conversion decision when made.

Regulation 25 provides for a maximum transitional amount to be payable of 30% of the non-resident parent’s income.

Regulation 28 contains linking rules.

Part IV (regulations 29 to 32) concerns certain cases where a maintenance calculation follows a court order which provided for child maintenance and provides for the amount payable to be phased by reference to transitional amounts specified in regulation 31.

Part V contains savings provisions.

The impact on business of these Regulations was covered in the Regulatory Impact Assessment (RIA) for the 2000 Act, in accordance with which, 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.