
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for variations to the rate of child maintenance payable under the Child Support Act 1991 (c. 48) (“the Act”) consequent upon the introduction of changes to the child support system made by the Child Support, Pensions and Social Security Act 2000 (c. 19). Subject to savings for transitional purposes these Regulations revoke the Child Support Departure Direction and Consequential Amendments Regulations 1996 (S.I.1996/2907).

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.

Part I (regulations 1 to 3) contains general provisions relating to citation, commencement and interpretation, the giving or sending of documents and the determination of amounts as weekly amounts.

Part II (regulations 4 to 9) sets out the procedure for making and determining applications for a variation. This includes the ability to reject an application on a preliminary consideration. Among the reasons for this may be because the application is for an amount which does not exceed a threshold applicable to the ground, or because a circumstance prescribed for the purposes of section 28E of the Act, in regulation 7, applies. The Secretary of State is enabled to request further information (regulation 8) and may invite representations (regulation 9).

Part III (regulations 10 to 15) gives details of what constitutes expenses for the purposes of the ground for a variation in paragraph 2 of Schedule 4B to the Act. Part IV (regulations 16 and 17 and the Schedule) is concerned with a variation under paragraph 3 of Schedule 4B, in relation to a property or capital transfer, and Part V (regulations 18 to 20) concerns the additional cases for which provision is made in paragraph 4 of that Schedule. The factors to be taken into account in determining whether it would be just and equitable to agree a variation, referred to in section 28F of the Act, are set out in Part VI (regulation 21).

Part VII (regulations 22 to 30) provides for the effective date of maintenance calculations which take account of a variation, for the way in which each type of variation is to affect the non-resident parent’s liability, for situations where a variation may be applied without an application and for the circumstances, for the purposes of section 28F(3) of the Act, in which a variation is not to be agreed to.

Part VIII (regulations 31 and 32) prescribes the amount payable under the regular payments condition for the purposes of section 28C(2)(b) of the Act and benefit for the purposes of section 28E of the Act.

Part IX (regulation 33) provides for the revocation, with savings for transitional purposes, of the Child Support Departure Direction and Consequential Amendments Regulations 1996.

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.