

1996 No. 1945

**FAMILY LAW
CHILD SUPPORT**

**The Child Support (Miscellaneous Amendments)
Regulations 1996**

Made - - - - - 23rd July 1996

Coming into force

*Regulations 1, 4, 7, 8, 9, 12, 20,
21 and 22 and paragraphs*

(1) and (3) of regulation 18 5th August 1996

Remainder - - - - - 7th October 1996

Whereas a draft of this instrument was laid before Parliament in accordance with section 52(2) of the Child Support Act 1991(a), and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by sections 14(1), 21(2), 32(1), 42(3), 46(11), 47(1) and (2), 51, 52(4) and 54 of, and paragraphs 5(1) and (2), 6, 8 and 11 of Schedule 1 to, the Child Support Act 1991(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Miscellaneous Amendments) Regulations 1996.

(2) This regulation, regulations 4, 7, 8, 9, 12, 20, 21 and 22, and paragraphs (1) and (3) of regulation 18, of these regulations shall come into force on 5th August 1996. The remaining regulations other, than paragraphs (3) and (6) of regulation 14, shall come into force on 7th October 1996 and those paragraphs shall come into force immediately following the coming into force of regulation 5 of the Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996(c).

(3) In these Regulations –

“the Appeal Regulations” means the Child Support Appeals Tribunals (Procedure) Regulations 1992(d);

“the Collection and Enforcement Regulations” means the Child Support (Collection and Enforcement) Regulations 1992(e);

“the Fees Regulations” means the Child Support Fees Regulations 1992(f).

(a) 1991 c.48.

(b) Section 54 is cited because of the meaning ascribed to the word “prescribed”.

(c) S.I. 1996/1345.

(d) S.I. 1992/2641.

(e) S.I. 1992/1989. Regulations 8(1) and 11 were amended by S.I. 1995/1045.

(f) S.I. 1992/3094. Regulation 1 was amended by S.I. 1994/227 and regulation 3 by S.I. 1994/227 and S.I. 1995/1045. Regulation 3 is also amended, with effect from 7th October 1996, by S.I. 1996/1345.

“the Information, Evidence and Disclosure Regulations” means the Child Support (Information, Evidence and Disclosure) Regulations 1992(a);
 “the Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992(b);
 “the Maintenance Assessments and Special Cases Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(c).

- [Regulation 2 substitutes regulation 17 of S.I. 1992/2641.]
 [Regulation 3 amends regulation 8(1) of S.I. 1992/1989.]
 [Regulation 4 amends regulation 11(3) of S.I. 1992/1989.]
 [Regulation 5 inserts definitions in regulation 1(2) of S.I. 1992/3094.]
 [Regulation 6 amends regulation 3(6) of S.I. 1992/3094.]
 [Regulation 7(1) introduces amendments to regulation 2 of S.I. 1992/1812.]
 [Regulation 7(2) inserts regulation 2(1A) in S.I. 1992/1812.]
 [Regulation 7(3) amends regulation 2(e) of S.I. 1992/1812.]
 [Regulation 8(1) introduces amendments to regulation 3 of S.I. 1992/1812.]
 [Regulation 8(2) and (3) amend regulation 3(1) of S.I. 1992/1812.]
 [Regulation 9 amends regulation 15A(2) of S.I. 1992/1813.]
 [Regulation 10 substitutes regulation 31(1) of S.I. 1992/1813.]
 [Regulation 11 amends regulation 31C(3) of S.I. 1992/1813.]
 [Regulation 12(1) introduces amendments to regulation 33 of S.I. 1992/1813.]
 [Regulation 12(2) substitutes regulation 33(6) of S.I. 1992/1813.]
 [Regulation 12(3) adds regulation 33(9) to S.I. 1992/1813.]
 [Regulation 13(1) introduces amendments to regulation 35 of S.I. 1992/1813.]
 [Regulation 13(2) substitutes regulation 35(2) of S.I. 1992/1813.]
 [Regulation 13(3) amends regulation 35(3) of S.I. 1992/1813.]
 [Regulation 14(1) introduces amendments to regulation 36 of S.I. 1992/1813.]
 [Regulation 14(2) amends regulation 36(2) of S.I. 1992/1813.]
 [Regulation 14(3) deletes regulation 36(3) and (9) of S.I. 1992/1813.]
 [Regulation 14(4) amends regulation 36(4) of S.I. 1992/1813.]
 [Regulation 14(5) inserts regulation 36(4A) into S.I. 1992/1813.]
 [Regulation 14(6) substitutes regulation 36(6) of S.I. 1992/1813.]
 [Regulation 15 amends regulation 38(4) of S.I. 1992/1813.]

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- (a) S.I. 1992/1812. Regulation 2 was amended by S.I. 1995/123, S.I. 1995/1045 and S.I. 1995/3261 and regulation 3 by S.I. 1995/1045 and S.I. 1995/3261.
 (b) S.I. 1992/1813. Regulation 31 was substituted, regulations 15A and 31C inserted and regulation 33 amended by S.I. 1995/3261. Regulation 36 was amended by S.I. 1995/1045. Regulations 36, 38, 39 and 47 are amended, with effect from 7th October 1996, by S.I. 1996/1345.
 (c) S.I. 1992/1815. Regulations 1(2) and 9 were amended by S.I. 1993/913, S.I. 1995/1045 and S.I. 1995/3261. Regulation 11 was amended by S.I. 1994/227, S.I. 1995/1045 and S.I. 1995/3261. Regulations 12 and 16 were amended by S.I. 1995/1045. Relevant amendments to Schedule 1 were made by S.I. 1995/1045. Regulation 1(2) and Schedule 1 are also amended, with effect from 7th October 1996, by S.I. 1996/1345.

[Regulation 16 amends regulation 39(2) of S.I. 1992/1813.]

[Regulation 17(1) introduces amendments to regulation 47 of S.I. 1992/1813.]

[Regulation 17(2) substitutes regulation 47(3) of S.I. 1992/1813.]

[Regulation 17(3) amends regulation 47(4) of S.I. 1992/1813.]

[Regulation 17(4) amends regulation 47(5) of S.I. 1992/1813.]

[Regulation 17(5) deletes regulation 47(6) and (7) from S.I. 1992/1813.]

[Regulation 18(1) introduces amendments to regulation 1(2) of S.I. 1992/1815.]

[Regulation 18(2) inserts definitions into regulation 1(2) of S.I. 1992/1815.]

[Regulation 18(3) substitutes definition in regulation 1(2) of S.I. 1992/1815.]

[Regulation 19 amends regulation 9(1)(b) of S.I. 1992/1815.]

[Regulation 20(1) introduces amendments to regulation 11 of S.I. 1992/1815.]

[Regulation 20(2) amends regulation 11(1) of S.I. 1992/1815.]

[Regulation 20(3) inserts regulation 11(6A) into S.I. 1992/1815.]

[Regulation 20(4) amends regulation 11(7) of S.I. 1992/1815.]

[Regulation 21 amends regulation 12(1) of S.I. 1992/1815.]

[Regulation 22 substitutes regulation 16 of S.I. 1992/1815.]

[Regulation 23 amends regulation 19(2) of S.I. 1992/1815.]

[Regulation 24(1) introduces amendments to Schedule 1 to S.I. 1992/1815.]

[Regulation 24(2) amends paragraph 1(1) of Schedule 1 to S.I. 1992/1815.]

[Regulation 24(3) amends paragraph 7(3)(a) of Schedule 1 to S.I. 1992/1815.]

[Regulation 24(4) inserts paragraph 14A into Schedule 1 to S.I. 1992/1815.]

[Regulation 24(5) amends paragraph 15 of Schedule 1 to S.I. 1992/1815.]

Reg. 25

Transitional provisions

25.—(1) The provisions of regulation 33 of the Maintenance Assessment Procedure Regulations in force prior to 5th August 1996 shall continue to apply to any application made prior to that date.

(2) The provisions of regulation 35 of the Maintenance Assessment Procedure Regulations in force prior to 7th October 1996 shall continue to apply to any case where the failure to comply referred to in paragraph (1) of that regulation arose prior to that date.

Words in reg. 25(3) substituted by reg. 3(2) of S.I. 1996/2378 as from 7.10.96.

(3) The provisions of regulation 36 of the Maintenance Assessment Procedure Regulations in force prior to 7th October 1996 shall apply with the amendments made by regulation 5(6) of the Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996(a) to a parent in respect of whom a reduced benefit direction was given prior to that date.

Words in reg. 25(4) substituted by reg. 3(3) of S.I. 1996/2378 as from 7.10.96.

(4) The provisions of regulation 47 of the Maintenance Assessment Procedure Regulations in force prior to 7th October 1996 shall apply with the amendments made by regulation 5(1 1) of the Social Security and Child Support (Jobseeker's Allowance) (Consequential Amendments) Regulations 1996 to any reduced benefit direction made prior to that date, and in relation to an earlier direction referred to in paragraph (4) of that regulation, which was in force prior to that date, whether or not the further direction referred to in that paragraph was made after that date.

Words in para. (5) substituted by art. 43 of S.I. 1999/1510 as from 1.6.99.

(5) The provisions of regulation 19 of the Maintenance Assessments and Special Cases Regulations in force prior to 7th October 1996 shall continue to apply to any application made prior to that date and a decision with respect to a maintenance assessment in force on that date shall not be superseded by a decision under section 17 of the Child Support Act 1991 solely to give effect to the provisions of regulation 19 as amended by regulation 23.

23rd July 1996

A J B Mitchell
Parliamentary Under-Secretary of State,
Department of Social Security

(a) S.I. 1996/1345.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various regulations made under the Child Support Act 1991 ("the Act").

For regulation 17 of the Child Support Appeal Tribunal (Procedure) Regulations 1992, there is substituted a new regulation, which allows disclosure to the parties to an appeal of an address or information which might lead to a person being located, where the appeal relates to a reduced benefit direction, and in all other cases, unless that person gives notification that he does not consent to such disclosure (regulation 2).

Reference to the Earnings Top-up Scheme is inserted into the Child Support Fees Regulations 1992 (regulations 5 and 6) and into Schedule 1 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (regulation 24).

The Child Support (Information, Evidence and Disclosure) Regulations 1992 are amended to make provision for information to be given to enable the Secretary of State to decide whether a court order for maintenance or a written maintenance agreement made before 5th April 1993 is in force; whether a person with care who has applied for a maintenance assessment has parental responsibility for the child in question; and which means of enforcement of a maintenance assessment available to him would be appropriate in the circumstances of a particular case (regulations 7 and 8).

The Child Support (Maintenance Assessment Procedure) Regulations 1992 are amended in the following respects—

regulation 33 is amended to make provision for maintenance periods to coincide where more than one application for a maintenance assessment is being dealt with at the same time (regulation 12);

Part IX is amended to provide that a case may be referred by the Secretary of State to a Child Support Officer two weeks after notification of intention to refer, if the parent with care has not set out in writing her reasons for contending that harm or undue distress might result from compliance with a requirement under section 6 of the Act. It is also amended to allow for a further Reduced Benefit Direction to be issued on the expiry of the previous one if the parent continues to fail to comply with a requirement imposed under that section; and to provide for a reduction for 156 weeks of 40 per cent. of the income support personal allowance for a single claimant of 25 or over (regulations 13 to 17).

The Child Support (Maintenance Assessments and Special Cases) Regulations 1992 are amended in the following respects —

regulation 11 is amended to ensure that an absent parent is always left with 70 per cent. of his net income after deduction of maintenance (regulation 20);

regulation 19 is amended to provide for the maintenance requirement to be halved where an application is made in relation to only one parent, where both are absent (regulation 23);

Schedule 1 is amended to make it clear that earnings include reimbursement by an employer of travelling expenses between home and work and the expenses of caring for a member of the parent's family while he is absent from the home (regulation 24).

Other amendments are of a minor, technical, consequential or procedural nature.

Copies of the rules of the Earnings Top-up Scheme referred to in regulations 5 and 18, may be obtained from the Customer Services Manager, Earnings Top-up, Norcross, Blackpool FY5 3TA.

These regulations do not impose any costs on business.

