
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the amendment of regulations relating to child support.

The powers exercised to make these Regulations are those in the Child Support Act 1991 (“the 1991 Act”) and the Child Support, Pensions and Social Security Act 2000 (“the 2000 Act”). Of those in the 1991 Act, some of the powers are those prior to the amendments made to that Act by the 2000 Act, in so far as those amendments are not yet fully in force, and relate to the child support scheme presently in place (“the current scheme”). Other powers are those following amendments made to the 1991 Act by the 2000 Act, which relate to the new child support scheme provided for by those amendments (“the new scheme”).

Regulations 2, 4, 5, 6(2), (4), (5), (6), (7)(a) and (b) and (8)(b), 7(3), 8(2) and (4) and 10 amend various sets of Regulations, some of which relate to the current scheme, some to the new scheme and, in the case of the amendments made by regulation 2, to both of the schemes. These amendments substitute references, and make related provisions, as a result of the introduction of working tax credit and child tax credit from 6th April 2003 and the linked revocation of working families' tax credit and disabled person's tax credit.

These Regulations make a number of amendments in addition to those relating to working tax credit and child tax credit.

Regulation 3 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the Decisions and Appeals Regulations”) and will come into force at different times for different cases as determined by commencement order made under section 86(2) of the 2000 Act. Regulation 3 makes amendments to regulation 7B of the Decisions and Appeals Regulations to provide new dates from which a child support decision which is superseded under section 17 of the 1991 Act, takes effect. Inserted paragraph (17A) of regulation 7B of the Decisions and Appeals Regulations provides an effective date where a person ceases to be a person with care in relation to a qualifying child in respect of whom the maintenance calculation was made but continues to be a person with care in relation to other qualifying children in respect of whom the maintenance calculation was made. Inserted paragraph (17B) of regulation 7B of the Decisions and Appeals Regulations provides an effective date where there is a maintenance calculation in force and there is a further qualifying child in relation to the non-resident parent and the person with care to whom that maintenance calculation applies. Inserted paragraph (17C) of regulation 7B of the Decisions and Appeals Regulations provides explanations of terms used in paragraph (17B) of regulation 7B of the Decisions and Appeals Regulations.

Regulation 6(3) and (8)(a) amend the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 to reflect the change of name from 1st April 2003 of “invalid care allowance” to “carer's allowance”. Regulation 6(7)(c) amends the same Regulations to provide that specified payments from local authorities shall not be counted as income for child support purposes and this amendment also comes into force from 1st April 2003.

The remaining provisions of these Regulations come into effect the day after the date that these Regulations are made. The amendments made by these remaining provisions are to various sets of Regulations which relate to the new scheme. Those sets will come into force at different times for different cases, again as determined by commencement order made under section 86(2) of the 2000 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 7 amends the Child Support (Maintenance Calculation Procedure) Regulations 2000 (“the Maintenance Calculation Procedure Regulations”). Regulation 7(2), (4) and (6) makes minor technical amendments. Regulation 7(5) amends regulation 29 of the Maintenance Calculation Procedure Regulations to clarify the meaning of certain terms in that regulation. Regulation 7(7) makes amendments which clarify and make additions to the transitional provisions in the Maintenance Calculation Procedure Regulations and inserts a provision to set the effective date of a maintenance calculation in a case where regulation 28(7) of the Child Support (Transitional Provisions) Regulations 2000 (“the Transitional Regulations”) applies (cases where a conversion calculation ceases during the transitional period). Regulation 7(8) and the Schedule add Schedule 3 to the Maintenance Calculation Procedure Regulations.

Regulation 8(3) makes a minor clarifying amendment to regulation 8(1)(a) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000, which provides for persons to be treated as non-resident parents where there is shared care of a child.

Regulation 9 amends the Child Support (Transitional Provisions) Regulations 2000 (“the Transitional Regulations”). Regulation 9(2) amends two of the definitions in the Transitional Regulations, to reflect the position in regulation 31 of the Maintenance Calculation Procedure Regulations. Regulation 9(3) makes minor technical amendments to regulation 3 of the Transitional Regulations. Regulation 9(4) inserts a reference to regulation 26 of the Child Support (Variations) Regulations 2000 (“the Variations Regulations”) into regulation 10 of the Transitional Regulations, to bring cases to which that regulation 26 applies within the scope of that regulation 10. Regulation 9(5), (10) and (11) makes amendments to the Transitional Regulations for cases where there are two or more persons with care in respect of one non-resident parent and one or more person with care, but not all of them, had a maintenance assessment under the current scheme or is not affected by the phasing provisions in the Transitional Regulations. Regulation 9(6) amends regulation 15 of the Transitional Regulations to make further provision for cases where the conversion of a case from the current scheme to the new scheme will be triggered and regulation 9(13) makes an amendment consequent upon the amendments made by regulation 9(6). Regulation 9(7) and (12) makes minor technical amendments to regulations 16 and 28 of the Transitional Regulations, respectively. Regulation 9(8) makes amendments to regulation 22 of the Transitional Regulations to provide for the amounts of child support maintenance payable in cases within the scope of that provision. Regulation 9(9) amends regulation 24 of the Transitional Regulations to provide for the phasing amount which is to apply in a case to which regulation 26 of the Variations Regulations applies.

These Regulations do not impose costs on business.