

2001 No. 161

FAMILY LAW

CHILD SUPPORT

**The Child Support (Information, Evidence and
Disclosure and Maintenance Arrangements and
Jurisdiction) (Amendment) Regulations 2000**

Made - - - - - *18th January 2001*

Coming into force as provided in regulation 1(3)

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 upon him by sections 4(4), 6(7), 7(5), 10(1), (2) and (4), 14(1), (1A) and (3), 44(2A), 51, 52(1) and (4), 54 and 57 of 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 (Information, Evidence and Disclosure and Maintenance Arrangements and Jurisdiction) (Amendment) Regulations 2000.

(2) In these Regulations—

- (a) “the Information Regulations” means the Child Support (Information, Evidence and Disclosure) Regulations 1992(c);
- (b) “the Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(d); and
- (c) “the Act” means the Child Support Act 1991.

(3) These Regulations shall come into force as follows—

- (a) regulations 5(2)(b), (d) and (e), 6(3) and 7(1) and, for the purposes of those provisions, this regulation, shall come into force in relation to a particular case on the day on which section 13 of the Child Support, Pensions and Social Security Act 2000 comes into force for the purposes of that type of case;

(a) 1991 c. 48. Section 52 is amended by section 25 of the Child Support, Pensions and Social Security Act 2000 (c. 19).

(b) The Act is amended by Part I of the Child Support, Pensions and Social Security Act 2000. Section 4(4) is amended by paragraph 11(3) of Schedule 3 to that Act, section 14(1) is amended by section 12 of, and paragraph 11(7) of Schedule 3 to, that Act, section 6(9) is substituted by section 3 of that Act, sections 51 and 54 are amended by paragraph 11(19) and (20) respectively of Schedule 3 to that Act and section 44(2A) is inserted by section 22(3) of that Act. Section 54 is cited because of the meaning ascribed to the word “prescribed”.

(c) S.I. 1992/1812. Amending instruments are S.I. 1995/123, 1995/1045, 1995/3261, 1996/1945, 1996/2907, 1998/58, 1999/977 and 1999/1510.

(d) S.I. 1992/2645. Amending instruments are S.I. 1993/913, 1995/123, 1995/1045, 1995/3261 and 1999/1510.

CHILD SUPPORT (INFORMATION, EVIDENCE AND DISCLOSURE AND MAINTENANCE ARRANGEMENTS AND JURISDICTION) (AMENDMENT) REGULATIONS 2000

- (b) regulation 8(3) and, for the purposes of that provision, this regulation, shall come into force in relation to a particular case on the day on which section 22(3) of the Child Support, Pensions and Social Security Act 2000 comes into force for the purposes of that type of case;
- (c) regulation 4 and, for the purposes of that provision, this regulation, shall come into force on 1st April 2001(a); and
- (d) the remainder of these Regulations shall come into force in relation to a particular case on the day on which sub-paragraphs (19) and (20) of paragraph 11 of Schedule 3 to the Child Support, Pensions and Social Security Act 2000, which respectively amend sections 51 and 54 of the Act, come into force for the purposes of that type of case.

[Regulation 2 amends S.I. 1992/1812 and S.I. 1992/2645.]

[Regulation 3 amends regulations 1, 5 and 9A of S.I. 1992/1812 and regulations 1 and 5 of S.I. 1992/2645.]

[Regulation 4 amends regulation 2 of S.I. 1992/1812 and regulations 5 and 6 of S.I. 1992/2645.]

[Regulation 5 amends regulations 1 and 2 of S.I. 1992/1812.]

[Regulation 6 amends regulations 3 and 3A of S.I. 1992/1812.]

[Regulation 7 deletes regulation 4 and amends regulations 6 and 9A of S.I. 1992/1812.]

[Regulation 8 amends regulation 3, deletes regulation 7 and inserts regulation 7A in S.I. 1992/2645.]

[Regulation 9 amends regulation 8 of S.I. 1992/2645.]

Transitional provisions and savings

10.—►(Z1) This regulation is subject to the Child Support (Transitional Provisions) Regulations 2000.◄

(1) Where in respect of a particular case before the date that these Regulations come into force with respect to that type of case (“the commencement date”)–

- (a) an application was made and not determined for–
 - (i) a maintenance assessment;
 - (ii) a departure direction; or
 - (iii) a revision or supersession of a decision;
- (b) the Secretary of State had begun but not completed a revision or supersession of a decision on his own initiative;
- (c) any time limit provided for in Regulations for making an application for a revision or a departure direction had not expired; or
- (d) any appeal was made but not decided or any time limit for making an appeal had not expired,

regulations 2, 3, 5 (except for sub-paragraphs (2)(b), (d) and (e)), 6(1) and (2), 7(2) and (3), 8(1) and (2) and 9 shall not apply for the purposes of–

- (aa) the decision on the application referred to in sub-paragraph (a);
- (bb) the revision or supersession referred to in sub-paragraph (b);
- (cc) the ability to apply for the revision or the departure direction referred to in sub-paragraph (c) and the decision whether to revise or to give a departure direction following any such application;
- (dd) any appeal outstanding or made during the time limit referred to in sub-paragraph (d); or

(a) This is the day on which section 90 (transfer of clerks’ functions to the chief executives) of the Access to Justice Act 1999 (c. 22) comes into force.

Para. (Z1) inserted in reg. 6 by reg. 2(4)(b) of S.I. 2003/347 as from 3.3.03.

- (ee) any revision, supersession or appeal or application for a departure direction in relation to a decision, ability to apply or appeal referred to in subparagraphs (aa) to (dd) above.

(2) Where after the commencement date a maintenance assessment falls to be cancelled on grounds of lack of jurisdiction with effect from before the commencement date, regulation 8(2) shall not apply for that purpose.

(3) For the purposes of this regulation—

- (a) “departure direction” and “maintenance assessment” have the same meaning as in section 54 of the Act before its amendment by the 2000 Act;
- (b) “revision or supersession” means a revision or supersession of a decision under section 16 or 17 of the Act before its amendment by the 2000 Act; and
- (c) “2000 Act” means the Child Support, Pensions and Social Security Act 2000.

Signed by authority of the Secretary of State for Social Security

18th January 2001

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Child Support (Information, Evidence and Disclosure) Regulations 1992, S.I. 1992/1812 (“the Information Regulations”) and the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992, S.I. 1992/2645 (“the Jurisdiction Regulations”) mainly consequent upon the introduction of the changes to the child support system made by the Child Support, Pensions and Social Security Act 2000 c. 19 (“the 2000 Act”).

Apart from regulation 4 which comes into force on 1st April 2001, 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 2 changes the terminology in the Information Regulations and the Jurisdiction Regulations.

Regulation 3 amends references in the Information Regulations and the Jurisdiction Regulations to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 and the Child Support (Maintenance Assessment Procedure) Regulations 1992 as these have been revoked and replaced respectively by the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 and the Child Support (Maintenance Calculation Procedure) Regulations 2000.

Regulation 4 transfers the administrative functions of justices’ clerks to justices’ chief executives in accordance with section 90 (transfer of clerks’ functions to chief executives) and 91 (accounting etc functions of chief executives) of, and Schedule 13 to, the Access to Justice Act 1999 c. 22.

Regulation 5 amends regulations 1 and 2 of the Information Regulations mainly to adjust the information that can be required so that this is relevant to the changes to the child support system.

CHILD SUPPORT (**INFORMATION, EVIDENCE AND DISCLOSURE AND MAINTENANCE ARRANGEMENTS AND JURISDICTION**) (AMENDMENT) REGULATIONS 2000

Regulations 6 and 7 make amendments consequential on the changes to the child support system to regulations 3, 6 and 9A and omit regulation 4 of the Information Regulations. In particular regulation 6(3) amends regulation 3A of the Information Regulations so that notices will include reference to the information offences created by section 14A of the Child Support Act 1991 c. 48 (“the Act”).

Regulation 8 prescribes the companies and bodies based in the United Kingdom that employ someone not habitually resident for the purposes of section 44(2A) of the Act in the United Kingdom. Regulation 8 also makes omissions in regulation 3 of the Jurisdiction Regulations as references to the “effective date” are now contained in the Child Support (Maintenance Calculation Procedure) Regulations 2000.

Regulation 9 amends references in the Jurisdiction Regulations to “cancelling” a maintenance calculation.

Regulation 10 allows the Information Regulations and Jurisdiction Regulations to apply as they were before they were amended in certain cases for transitional purposes.

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 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.