

1998 No. 2799

FAMILY LAW

CHILD SUPPORT

**The Child Support (Miscellaneous Amendments) (No. 2)
Regulations 1998**

<i>Made</i> - - -	<i>16th November 1998</i>
<i>Laid before Parliament</i>	<i>16th November 1998</i>
<i>Coming into force</i>	<i>7th December 1998</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 16, 21, 51, 52(4) and 54 of the Child Support Act 1991(a) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Miscellaneous Amendments) (No. 2) Regulations 1998 and shall come into force on 7th December 1998.

(2) In these Regulations -

“the Act” means the Child Support Act 1991; and

“the Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992(c).

[Regulation 2 amends regulations 8B, 9, 9A, 10, 11, 31, 31C and 33 and inserts Part VA to S.I. 1992/1813].

[Regulation 3 amends regulations 11A, 33 and 41 of S.I. 1996/2907, regulation 10 of S.I. 1992/1816 and regulation 11 of S.I. 1992/1989].

Signed by authority of the Secretary of State for Social Security.

16th November 1998

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

(a) 1991 c.48. Section 16 was substituted by section 40 of, and section 51 was amended by paragraph 46 of Schedule 7 to, the Social Security Act 1998 (c.14). Section 54 is cited because of the meaning ascribed to the word “prescribed”. There are savings which are relevant to these Regulations in the Social Security Act 1998 (Commencement No. 2) Order 1998 (S.I. 1998/2780).

(b) 1992 c.53.

(c) S.I. 1992 No. 1813. Relevant amending instruments are S.I. 1993/913, 1995/123, 1995/1045, 1995/3261, and 1996/1945.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for revision of decisions under section 16 of the Child Support Act 1991 ("the 1991 Act"). Section 16 was substituted by section 40 of the Social Security Act 1998.

Decisions which can be revised by the Secretary of State are described in the new regulation 18A of the new Part VA which is inserted into the Child Support (Maintenance Assessment Procedure) Regulations (S.I. 1992 No. 1813) ("the Maintenance Assessment Procedure Regulations"). They are maintenance assessments under section 11 or 12 of the 1991 Act which have been reviewed under section 18 of that Act and are subject to appeal under section 20 of that Act. Revision under section 16 offers an alternative route to resolving a dispute in these cases. The new regulation 18B inserted into the Maintenance Assessment Procedure Regulations provides that an application for a revision must be made within 28 days of notification or acknowledgement from the Secretary of State of receipt of notice of the appeal; the application must be made to the Secretary of State. The Secretary of State may also revise a decision on his own initiative.

The inserted regulation 18C sets out the circumstances in which a revised decision is to take effect from a date other than the date of the original decision. This is where the effective date of the original decision is considered to have been wrong.

The inserted regulation 18D provides that the appeal against the decision of the child support officer is not to lapse under section 16(6) of the 1991 Act where the decision is revised under section 16 before the appeal is determined where the revised decision is a less advantageous decision so far as the appellant is concerned either as regards the amount of the assessment or its effective date.

Regulations 2(2) and (4) make consequential amendments to the Maintenance Assessment Procedure Regulations and make savings for assessments the effective date of which is at least 104 weeks before the coming into force of these regulations. These are assessments in respect of which a review would have become due under section 16 of the 1991 Act before the new section 16 was introduced.

Regulation 3 contains consequential amendments and savings in relation to the Child Support Departure Direction and Consequential Amendments Regulations 1996 (S.I. 1996 No. 2907), the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 (S.I. 1992 No. 1816) and the Child Support (Collection and Enforcement) Regulations 1992 (S.I. 1992 No. 1989).

These Regulations do not impose any costs on business.