

**2011 No. 1464****FAMILY LAW****CHILD SUPPORT****The Child Support (Miscellaneous Amendments)  
Regulations 2011**

<i>Made</i> - - - -	<i>9th June 2011</i>
<i>Laid before Parliament</i>	<i>13th June 2011</i>
<i>Coming into force</i>	<i>4th July 2011</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 16(1), 17(3) and (5), 51(1), 52(4), 54, of, and paragraph 11(1) of Schedule 1 to, the Child Support Act 1991(a), makes the following Regulations:

**Citation, commencement and interpretation**

**1.—(1)** These Regulations may be cited as the Child Support (Miscellaneous Amendments) Regulations 2011 and will come into force on 4th July 2011.

(2) In these Regulations—

“the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999(b); and

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

[Regulation 2 amends regulation 1(3) of S.I. 1999/991.]

[Regulation 3 substitutes regulation 17(6) & amends regulation 21(5) and regulation 23 of S.I. 1992/1813.]

[Regulation 4 amends regulation 26 of S.I. 2001/157.]

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- (a) 1991 c. 48. Section 16 was substituted by section 40 of the Social Security Act 1998 (c. 14) (“the 1998 Act”) and further substituted by section 8 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”) in relation to cases other than 1993 scheme cases (a “1993 scheme case” means a case in respect of which the provisions of the 2000 Act have not been brought into force in accordance with article 3 of the Child Support, Pensions and Social Security Act 2000 (Commencement No. 12) Order 2003 (c. 11)). Section 17(3) was substituted by section 41 of the 1998 Act and further substituted by section 9 of the 2000 Act in relation to cases other than 1993 scheme cases. Section 54 is cited for the meaning given to the word “prescribed”.
- (b) S.I. 1999/991. References to the Secretary of State in these Regulations are treated as references to the Commission by virtue of paragraph 55(3) of Schedule 3 to the Child Maintenance and Other Payments Act 2008 (c. 6) (“the 2008 Act”), as the functions of the Secretary of State were transferred to the Commission by section 13 of that Act.
- (c) S.I. 1992/1813. References to the Secretary of State in these Regulations are treated as references to the Commission by virtue of paragraph 55(3) of Schedule 3 to the 2008 Act, as the functions of the Secretary of State were transferred to the Commission by section 13 of that Act.

Signed by authority of the Secretary of State for Work and Pensions.

9th June 2011

*Maria Miller*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under powers in the Child Support Act 1991 (c. 48) (“the 1991 Act”) and come into force on 4<sup>th</sup> July 2011. They amend the Social Security and Child Support (Decisions and Appeals) Regulation 1999 (“the Decisions and Appeals Regulations”), the Child Support (Maintenance Assessment Procedure) Regulations 1992 (“Maintenance Assessment Procedure Regulations”) and the Child Support (Maintenance Calculation Procedure) Regulations 2000 (“the Maintenance Calculation Procedure Regulations”).

Regulation 2 amends the Decisions and Appeals Regulations. This regulation inserts a new definition into regulation 1(3) of those Regulations, provides that regulation 6B of those Regulations does not apply where a decision is made to which paragraph 15 of Schedule 1 to the 1991 Act applies, prescribes two new categories of case to which the effective date in paragraph 3 of Schedule 3D to those Regulations applies (one for relevant other children and the other for non-resident parent or partner on or off benefit), inserts a new paragraph 3A in Schedule 3D which supplements the new on or off benefit category of case in paragraph 3, consequentially omits paragraph 4 and makes a minor amendment to paragraph 8 of that Schedule.

Regulation 3 amends the Maintenance Assessment Procedure Regulations. This regulation substitutes regulation 17(6) of those Regulations to limit the disapplication of paragraph (1) to a material change of circumstances. Regulation 21 of those Regulations is amended in the same manner as regulation 6B of the Decisions and Appeals Regulations. Regulation 23 is amended to substitute a new effective date for paragraph (2) (absent parent and parent with care on or off benefit), substitute paragraph (19) of that regulation with an effective date which applies to relevant other children as well as qualifying children, insert a new effective date into that regulation for the purposes of decisions made to which paragraph 15 of Schedule 1 of the Act applies, make provision which supplements the substituted effective date in paragraph (2) and insert a definition for the purposes of new paragraph (19) of regulation 23.

Regulation 4 amends the Maintenance Calculation Procedure Regulations. Regulation 26 (effective dates of maintenance calculations—maintenance order and application under section 4 or 7) of those Regulations is amended to include maintenance agreements registered for execution in the Books of Council and Session or the sheriff court books within the scope of the effective date provided for by that regulation.

A full impact assessment has not been published for this instrument as it has no impact on the private sector and civil society organisations.