

2012 No. 712**FAMILY LAW****CHILD SUPPORT****The Child Support (Miscellaneous Amendments)
Regulations 2012**

<i>Made</i> - - - -	<i>5th March 2012</i>
<i>Laid before Parliament</i>	<i>8th March 2012</i>
<i>Coming into force</i> -	<i>30th April 2012</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 17(3) and (5), 29(2) and (3), 51(1) and (2)(i), 52(4) and 54 of, and paragraphs 10(1) and (2) of Schedule 1 to, the Child Support Act 1991(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Miscellaneous Amendments) Regulations 2012 and shall come into force on 30th April 2012.

(2) In these Regulations—

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

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

“the Maintenance Assessment and Special Cases Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(d);

“the Maintenance Calculations and Special Cases Regulations” means the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(e); and

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- (a) 1991 c. 48. Sections 17(3) was substituted by section 41 of the Social Security Act 1998 (c. 14) and further substituted by section 9 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 in to force in accordance with article 3 of the Child Support, Pensions and Social Security Act 2000 (Commencement No. 12) Order 2003 (C. 11)). Section 54 is cited for the meaning given to the word “prescribed”.
- (b) S.I. 1992/1989. 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.
- (d) S.I. 1992/1815. 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.
- (e) S.I. 2001/155. 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.

“the Management of Payments and Arrears Regulations” means the Child Support (Management of Payments and Arrears) Regulations 2009^(a).

[Regulation 2 amends reg. 5(1) of S.I. 2001/1989.]

[Regulation 3 amends reg. 3(3) of S.I. 2009/3151.]

[Regulation 4 amends reg. 23 of S.I. 1992/1813.]

[Regulation 5 amends Sch. 1 to S.I. 1992/1815.]

[Regulation 6 makes various amendments to S.I. 2001/155.]

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

5th March 2012

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

^(a) S.I. 2009/3151.

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 30th April 2012. They amend the Child Support (Collection and Enforcement) Regulations 1992 (“the Collection and Enforcement Regulations”), the Child Support (Maintenance Assessment Procedure) Regulations 1992 (“the Maintenance Assessment Procedure Regulations”), the Child Support (Maintenance Assessment and Special Cases) Regulations 1992 (“the Maintenance Assessment and Special Cases Regulations”), the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 (“the Maintenance Calculations and Special Cases Regulations”) and the Child Support (Management of Payments and Arrears) Regulations 2009 (“the Management of Payments and Arrears Regulations”).

Regulation 2 amends the Collection and Enforcement Regulations. This regulation substitutes regulation 5(1) of those Regulations to provide that payments of child support maintenance made through the Secretary of State shall be made to the person entitled to receive those payments by transfer of credit. Other methods of payment will only be used where it appears to the Secretary of State necessary in the circumstances of the particular case.

Regulation 3 amends the Management of Payments and Arrears Regulations. Regulation 3 of those Regulations makes provision with respect to arrears notices. This regulation removes the requirement to itemise the payments of child support maintenance due and not paid and replaces this with a requirement that any arrears notice must include the amount of all outstanding arrears of child support maintenance due and not paid.

Regulation 4 amends the Maintenance Assessment Procedure Regulations. This substitutes a new paragraph (19) of regulation 23 of those Regulations (date from which a decision is superseded). It provides an effective date for a superseding decision made in a case to which regulation 20(2)(a) or (3) of those Regulations applies (that is, where the Secretary of State is satisfied that the decision is one in respect of which there has been a material change of circumstances since the decision was made) and the material change of circumstance is any of the following, namely a qualifying child dies or ceases to be a qualifying child; a relevant child dies or ceases to be a relevant child; or a child, who is a member of the family of the absent parent, dies or ceases to be a member of the family of the absent parent.

Regulation 5 amends Schedule 1 to the Maintenance Assessment and Special Cases Regulations. This regulation inserts a new paragraph 5B into Schedule 1. This provides that where the Commission is calculating earnings of an employed earner or self-employed earner and the information in relation to those earnings is insufficient or unreliable, the Commission may estimate those earnings and in doing so may make any assumption as to any fact.

Regulation 6 amends the Maintenance Calculations and Special Cases Regulations. First, it amends the definitions of “employed earner” and “self-employed earner” in regulation 1(2) of those Regulations to include a person gainfully employed outside the United Kingdom in certain specified circumstances. Secondly, it amends the Schedule to those Regulations to make similar provision to that made by regulation 5 of these Regulations (estimation of net weekly income where insufficient information available).

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

