

2013 No. 1517**FAMILY LAW****CHILD SUPPORT****The Child Support (Miscellaneous Amendments)
Regulations 2013**

Made - - - - - 18th June 2013
Laid before Parliament 27th June 2013
Coming into force in accordance with regulation 1(2) to (4)

The Secretary of State, in exercise of the powers conferred by sections 28G(3), 42, 51(1), 52(4), 54 and 55(1)(b) of, and paragraphs 10(1) and (2)(b) and 10C(2)(b) of Schedule 1 to, the Child Support Act 1991(a) and sections 55(3) and (4) and 57(2) of the Child Maintenance and Other Payments Act 2008(b) makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Child Support (Miscellaneous Amendments) Regulations 2013.

(2) This regulation and regulations 2, 3, 5 to 7, 8(4), (5), (7) and (8), 9 and 10 come into force on 30th September 2013.

(3) Regulation 4 comes into force in relation to a case to which the new calculation rules apply on 30th September 2013.

(4) Regulation 8(1) to (3) and (6) comes into force in relation to a case to which the new calculation rules apply on the day on which paragraph 2 of Schedule 4 to the Child Maintenance and Other Payments Act 2008 (calculation by reference to gross weekly income) comes into force for all purposes.

(5) In this regulation, “a case to which the new calculation rules apply” means a case in which liability to pay child support maintenance is calculated in accordance with Part 1 of Schedule 1 to the Child Support Act 1991 as amended by paragraph 2 of Schedule 4 to the Child Maintenance and Other Payments Act 2008.

[Regulation 2 amends Schedule 1 of SI 1992/1813.]

[Regulation 3 inserts regulation 1(2B) into S.I. 1992/1815.]

[Regulation 4 amends regulation 25A of S.I. 2012/2677.]

[Regulation 5 amends regulation 18 of S.I. 1996/2907.]

(a) 1991 c. 48. Section 28G was substituted by section 7 of the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”). Section 55 was substituted by section 42 of the Child Maintenance and Other Payments Act 2008 (c. 6) (“the 2008 Act”). Schedule 1 was substituted by section 1(3) of, and Schedule 1 to, the 2000 Act. Paragraph 10(1) and (2) of Schedule 1 was amended by section 16 of, and paragraphs 1, 2 and 9 of Schedule 4 to, the 2008 Act and S.I. 2012/2007. Section 54 is cited for the meaning of “prescribed”.

(b) 2008 c. 6.

Regs. 6-10

[Regulation 6 amends regulations 1 and 8 of S.I. 2001/155.]

[Regulation 7 amends Schedules 1, 2 and 3 of S.I. 2001/157.]

[Regulation 8 amends regulations 34, 42, 50, 54, 75 and 77 of S.I. 2012/2677.]

[Regulation 9 makes amendments to regulation 1(6) of S.I. 2012/2785.]

[Regulation 10 revokes regulation 9 of S.I. 2012/2785.]

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

18th June 2013

Steve Webb
Minister of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain provisions amending various sets of Child Support Regulations.

Some of the provisions in these Regulations make amendments to child support provisions following changes to legislation which allow a person to make an election for payments of child benefit not to be made in cases where the person or their partner has income of over £50,000 per year. Regulations 2(2)(b) and 2(3), 3, 5, 6(3), 7(2)(b), (3) and (4), and 8(4) and (5) make amendments to child support provisions to ensure that the effect is that a person who has made an election under section 13A(1) of the Social Security Administration Act 1992 (c. 5) for payments of child benefit not to be made is treated as receiving child benefit (or child benefit is treated as being payable) for the purposes of calculating child maintenance. Regulation 6(2) amends the prescription of relevant other child in the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 (S.I. 2001/155), which apply to the 2003 scheme of child support, so that it includes a child in respect of whom an election not to receive child benefit has been made. Regulation 8(7) and (8) makes the same amendment to the Child Support Maintenance Calculation Regulations 2012 (S.I. 2012/2677) (“the 2012 Regulations”) for the purposes of the 2012 scheme.

Regulation 2(2)(a) amends the heading of paragraph 1 of Schedule 1 to the Child Support (Maintenance Assessment Procedure) Regulations 1992 (S.I. 1992/1813) to more accurately reflect the contents of that paragraph. Regulation 7(2)(a) makes the same amendment to the Child Support (Maintenance Calculation Procedure) Regulations 2000 (S.I. 2001/157).

Regulation 4 makes amendments to the Child Support (Collection and Enforcement) Regulations 1992 (S.I. 1992/1989), which are consequential on a change made in the Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785) (“the Consequential Regulations”), for the purposes of the 2012 scheme of child support. Regulation 4(2) inserts a definition of “gross weekly income” and “current income”. Regulation 4(3) omits a paragraph referring to net weekly income. Regulation 4(4) amends regulation 25C so that the maximum deduction rate is 40% of the person’s gross weekly income as calculated for the purposes of the current maintenance calculation or, where it is an arrears only case, the most recent previous calculation. Regulation 4(5) amends regulation 25G so that in an arrears only case the liable person can request a review of the deduction order where there has been a change to current gross income.

Regulation 8(2) amends regulation 34 of the 2012 Regulations so that the non-resident parent’s gross weekly income can be (a) based on historic income in cases where the amount of historic income is nil, and (b) based on current income where the Secretary of State is unable to request or obtain information from HMRC. Regulation 8(3) makes changes consequential on this.

Regulation 8(6) amends regulation 75 of the 2012 Regulations so that a variation previously agreed to which has ceased to have effect for specified reasons can be taken into account again without the need for an application or needing to consider whether there has been a material change of circumstances.

Regulation 9 makes a technical amendment to a definition in the Consequential Regulations.

Regulation 10 revokes regulation 9 of the Consequential Regulations.

