

1999 No. 977**FAMILY LAW****CHILD SUPPORT****The Child Support (Miscellaneous Amendments)
Regulations 1999**

Made - - - - *25th March 1999*

Coming into force

Regulations 1-3, 4(1)(3) and (4), (5),

6(1)(2)(b)(3)(4)(5)(e)(f)(g)

and (h) (6)(7) and 7

6th April 1999

Regulations 4(2) and 6(2)(a)

(5)(a)(b)(c) and (d)

4th October 1999

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 by section 14(3), 32(1), (8) and (9), 42(1), 47(1) and (2), 51, 52(4), 54 and 55(1) of, and paragraphs 5(1) and (2) of Schedule 1 to, 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 (Miscellaneous Amendments) Regulations 1999.

(2) These Regulations shall come into force on 6th April 1999 with the exception of regulations 4(2), 6(2)(a) and (5)(a)(b)(c) and (d), which shall come into force on 4th October 1999.

(3) In these Regulations—

“the Act” means the Child Support Act 1991;

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

“the Fees Regulations” means the Child Support Fees Regulations 1992(d);

“the first commencement day” means 6th April 1999;

“the Information, Evidence and Disclosure Regulations” means the Child Support (Information, Evidence and Disclosure) Regulations 1992(e);

“the Inland Revenue” means the Board of Commissioners of Inland Revenue;

(a) 1991 c.48. Schedules 28A to 28I of and Schedules 4A and 4B to the Child Support Act 1991 were inserted by sections 1 to 9 of the Child Support Act 1995 c.34.

(b) Section 54 is cited because of the meaning ascribed to the word “prescribed”.

(c) S.I. 1992/1989.

(d) S.I. 1992/3094.

(e) S.I. 1992/1812.

Regs. 2-7

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

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

“the second commencement day” means 4th October 1999.

[Regulation 2 amends regulations 8 and 25 of S.I. 1992/1989.]

[Regulation 3 amends regulation 3 of S.I. 1992/3094.]

[Regulation 4 amends regulations 3, 9 and 9A of S.I. 1992/1812.]

[Regulation 5 amends Schedule 1 to S.I. 1992/1813.]

[Regulation 6 amends regulations 1, 7 and 19, and Schedules 1, 2 and 3A to S.I. 1992/1815.]

Reg. 7 substituted by art. 47 of S.I. 1999/1510 as from 1.6.99.

► **Transitional provisions**

7.—(1) A decision with respect to a maintenance assessment in force on the first or second commencement day shall not be superseded by a decision under section 17 of the Act solely to give effect to these Regulations.

(2) These Regulations shall apply to a fresh maintenance assessment made by virtue of—

- (a) a revision under section 16 of the Act of a decision with respect to a maintenance assessment; or
- (b) a decision under section 17 of the Act which supersedes a decision with respect to a maintenance assessment,

as from whichever is the later of—

- (i) the date as from which that revision or, as the case may be, supersession takes effect; or
- (ii) the first day of the maintenance period which begins on or after the first or second commencement day, as the case may be. ◀

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

25th March 1999

Patricia Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend various regulations under the Child Support Act 1991, as amended by the Child Support Act 1995.

The Child Support (Collection and Enforcement) Regulations 1992 are amended to make it an offence, on the part of an employer, to fail to forward amounts deducted under a deduction from earnings order to the Secretary of State by the date set in regulation 14 of those Regulations. In addition provision is made to include in the definition of “earnings” subject to a deduction from earnings order payment or

(a) S.I. 1992/1813.

(b) S.I. 1992/1815.

allowances received by an absent parent from his civilian employer while serving as a special member of a reserve force (within the meaning of the Reserve Forces Act 1996) (regulation 2).

The Child Support Fees Regulations 1992 are amended to provide that no assessment fee or collection fee shall be payable where it would otherwise have become payable on or after 18th April 1995 and before 6th April 2001 (regulation 3).

Regulation 9 of the Child Support (Information, Evidence and Disclosure) Regulations 1992, which makes provision for the disclosure of certain information to local authorities, is repealed, to avoid overlap with the provision made by section 3 of the Social Security Act 1998. In addition the information available to be disclosed between the parties to an assessment is broadened by means of an amendment to regulation 9A (regulation 4).

The Child Support (Maintenance Assessment Procedure) Regulations 1992 are amended in order to amend certain obsolete references to youth training schemes (regulation 5).

The Child Support (Maintenance Assessments and Special Cases) Regulations 1992 are amended by regulation 6 in the following respects. Firstly, regulation 19 is amended to remove an anomaly relating to the effective dates of assessments made where both parents are absent (regulation 6(4)). Secondly, provision is made for the earnings of a self-employed earner to be calculated on the basis of taxable profit figures submitted to the Inland Revenue by that earner, rather than by reference to the provisions at present contained in Chapter 2 of Schedule 1 to the Regulations (regulation 6(5)). Thirdly, in relation to transfers of property made in accordance with the terms of a court order or written maintenance agreement made or executed prior to 5th April 1993, provision is made to amend the definition of a “qualifying transfer” and for the calculation of the value of such transfers for the purposes of the allowance in exempt income (regulation 6(7)). Finally, several minor amendments are made, firstly, to bring references up to date, removing further references to youth training schemes, and to replace provisions in the Jobseeker’s Allowance legislation (regulation 6(5)), and secondly to make provision as to the treatment in income terms of certain child and dependency allowances which may be paid in conjunction with a war pension (regulation 6(5)).

Regulation 7 makes certain transitional provisions.

These Regulations impose no costs on business.

