
STATUTORY INSTRUMENTS

2009 No.

FAMILY LAW

CHILD SUPPORT

**The Child Support (New Calculation Rules)(Consequential and
Miscellaneous Amendment) Regulations 2012**

<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force</i> - -	***

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 14, 16(1), (4) and (6), 17(3) and (5), 20(4), 28ZA(2)(b) and (4)(c), 28ZB(6)(c), 29(3) and (3A) and 51(1) and (2) of the Child Support Act 1991^(a) and section 57(2) of the Child Maintenance and Other Payments Act 2008^(b):

PART 1
GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Child Support (New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 and, subject to paragraph (2), come into force on [...].

(2) These Regulations come into force in relation to an existing case on the day on which Schedule 4 to the Child Maintenance and Other Payments Act 2008^(c) (changes to the calculation of maintenance) has effect in relation to that case.

(3) In paragraph (2) the reference to an existing case is to—

- (a) a maintenance assessment or a maintenance calculation which is in force immediately before [...]; or
- (b) an application for a maintenance assessment or a maintenance calculation in respect of which the effective date falls before [...].

^(a) 1991 c. 48. Section 29(3) was substituted and section 29(3A) inserted by section 54 of the Welfare Reform Act 2009 (c. 24).
^(b) 2008 c. 6.
^(c) 2008 c. 6.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

2. The Social Security and Child Support (Decisions and Appeals) Regulations 1999(a) are amended as follows—

- (a) in regulation 1(3) (interpretation) omit the definitions of “the Commission”, “the Maintenance Calculation Procedure Regulations”, “the Maintenance Calculation and Special Cases Regulations” and “relevant person”;
- (b) omit regulations 3A, 5A, 6A, 6B, 7B, 7C, 15A, 15B, 15C, 23 and 24;
- (c) amend regulation 4 as follows—
 - (i) in paragraph (1) omit, “or 3A(1)(a)”,
 - (ii) in paragraph (2) omit, “the relevant person”,
 - (iii) in sub-paragraph (c) of paragraph (4) omit, “or 3A”,
 - (iv) in paragraph (5) omit, “the Commission” and “and regulations 3A(1)(a)”; and
- (d) amend regulation 30 as follows—
 - (i) in paragraph (1) omit “, the Commission”, the words from “is treated as replaced” to “section 28F of that Act”, the words “section 16 of that Act or” and “replaced or”,
 - (ii) for paragraph (3) substitute—

“(3) Where a decision as revised under section 9 is not more advantageous to the appellant than the decision before it was revised the appeal shall be treated as though it had been brought against the decision as revised.”,
 - (iii) in paragraph (4) omit “replaced or”, and
 - (iv) in paragraph (5) omit “the Commission” and “replaced or”;
- (e) in regulation 32 omit the words “, the Commission” wherever they appear;
- (f) in regulation 33—
 - (i) omit the words “, the Commission” wherever they appear, and
 - (ii) omit paragraph (2)(d); and
- (g) omit Schedule 3D.

Amendment of the Child Support Information Regulations 2008

3. The Child Support Information Regulations 2008(b) are amended as follows—

- (a) in regulation 2(1) omit the definition of “the Maintenance Calculation Procedure Regulations”;
- (b) in regulation 2 omit paragraph (2);
- (c) in regulation 7 omit paragraph (3);
- (d) after regulation 9 insert—

“Duty to notify increase in current income

9A.—(1) Where, in relation to a maintenance calculation in force, gross weekly income is determined by reference to the non-resident parent’s current income as an employee or officeholder, the Commission may require the non-resident parent to notify it of any relevant change of circumstances in relation to that income.

(2) Where a relevant change of circumstances occurs after the non-resident parent has been notified of a requirement under paragraph (1) the non-resident parent must inform the

(a) S.I. 1999/991.
(b) S.I.2008/2551.

Commission of that change within seven days or within such other period as the Commission has specified in that notification.

(3) For the purposes of this regulation a relevant change of circumstances is taken to have occurred if—

- (a) the non-resident parent—
 - (i) commences a new employment or office, or
 - (ii) in relation to an existing employment or office, commences a new rate of remuneration or a new working pattern,
and could reasonably be expected to know that would result in an increased liability under the maintenance calculation in force if reported to the Commission;
or
- (b) the non-resident parent receives from their employment or office the following number of consecutive payments, each of which (if it were taken as a weekly average) exceeds the gross weekly income taken into account in the maintenance calculation in force by 25% or more—
 - (i) five payments, in the case of a non-resident parent paid weekly,
 - (ii) three payments, in the case of a non-resident parent paid fortnightly,
 - (iii) two payments, in the case of a non-resident parent paid four weekly or monthly.

(4) The payments referred to in paragraph (3)(b) are the gross remuneration from the employment or office in question less any pension contributions deducted under net pay arrangements.

(5) In paragraph (4)—

“net pay arrangements” means arrangements for relief in respect of pension contributions under section 193 of the Finance Act 2004(a); and

“current income as an employee or officeholder” has the same meaning as in Chapter 1 of Part 4 of the Child Support Maintenance Calculation Regulations 2012(b).”;

- (e) in regulation 13(1)(d) for “regulation 23” to “Procedure Regulations” substitute “regulation 25 of the Child Support Maintenance Calculation Regulations 2012 (Notification of Maintenance Calculation)”;
- (f) in regulation 13(2)(d) for “regulation 34” to “Regulations 1999” substitute “paragraph 4 of the Schedule to the Child Support Maintenance Calculation Regulations 2012”.

Amendment of the Child Support (Collection and Enforcement) Regulations 1992

4. The Child Support (Collection and Enforcement) Regulations 1992(c) are amended as follows—

- (a) for regulation 4 (intervals of payment) of substitute—

“Payments to be scheduled over reference period

4.—(1) The Commission may, for the purposes of determining the frequency and amount of the payments of child support maintenance required to be made by a liable person—

- (a) determine the total amount payable for the reference period on the assumption that the weekly rate of child support maintenance will not change over that period; and

(a) 2004 c. 12.

(b) S.I. 2011/ .

(c) S.I.1992/1989 paragraph ...substituted by regulation 12 of S.I. 1995/1045.

- (b) require that amount to be paid by equal instalments over that period at intervals determined by the Commission.
- (2) The reference period in relation to the maintenance calculation is, subject to paragraph (3), the period of 52 weeks mentioned section 29(3A) of the Act commencing on—
 - (a) the initial effective date (if it is the first such period in relation to the maintenance calculation); or
 - (b) the review date.
- (3) If the next review date or the date on which the maintenance calculation is expected to cease falls before the expiry of 52 weeks, the reference period ends on that date.
- (4) In this regulation “initial effective date” and “review date” have the meaning given by regulation 2 of the Child Support Maintenance Calculation Regulations 2012(a).”; and
- (b) in regulation 25C(1)(a)(b) (maximum deduction rate for regular deduction order) for “net” substitute “gross”.

Amendment of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992

5. The Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(c) are amended as follows—
- (a) in regulation 1(2) omit the definitions of “Maintenance Calculation and Special Cases Regulations” and “Maintenance Calculation Procedure Regulations”;
 - (b) in regulation 5(3)(c) for “regulation 8 of the Maintenance Calculations and Special Cases Regulations” substitute “regulation 50 of the Child Support Maintenance Calculation Regulations 2012”; and
 - (c) in regulation 8A(d)(d) omit the words from “in accordance with”.

Amendment of the Child Support (Voluntary Payments) Regulations 2000

6. The Child Support (Voluntary Payments) Regulations 2000(e) are amended as follows—
- (a) in regulation 1(2)—
 - (i) omit the definition of “the Maintenance Calculation and Special Cases Regulations”;
 - (ii) in the definition of “the qualifying child’s home” omit the words from “and home”;
 - (iii) in the definition of “relevant person”, in paragraph (c), for the words from “regulation 8” substitute “regulation 50 of the Child Support Maintenance Calculation Regulations 2012(f); and
 - (b) in regulation 2(1)(c) omit the words from “and this purpose”.

Amendment of the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008

7. Schedule 1 to the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008(g) is amended as follows—
- (a) for paragraph (c)(i), substitute—

(a) S.I. 2011/
 (b) Regulation 25C was inserted by S.I. ..
 (c) S.I. 1992/2645.
 (d) Regulation 8A was inserted by S.I. 2005/785.
 (e) S.I.200/3177.
 (f) S.I. 2011/ .
 (g) S.I.2008/2685 (L.13).

“(i) regulation 14 of the Child Support Maintenance Calculation Regulations 2012(a)”; and

(b) in paragraph (c)(ii) omit “or 3A(1)”.

Revocations

8. The following regulations are revoked—

- (i) The Child Support Maintenance Calculation Procedure Regulations 2000(b);
- (ii) The Child Support (Maintenance Calculation and Special Cases) Regulations 2000(c);
- (iii) The Child Support (Variations) Regulations 2000(d);
- (iv) The Child Support (Maintenance Assessment and Special Cases) Regulations(e);
- (v) The Child Support (Maintenance Assessment Procedure) Regulations 1992(f); and
- (vi) The Child Support Departure Direction and Consequential Regulations 1996(g).

Address
Date

Name
Parliamentary Under Secretary of State
Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contain provisions consequential on, or connected with, the bringing into force of the changes to the rules for the calculation of child support maintenance provided for in Schedule 4 to Child Maintenance and Other Payments Act 2008 and the Child Support Maintenance Calculation Regulations 2012. These Regulations come into effect in relation to new applications for child support maintenance from [] 2012. They only come into effect for an existing case when the savings provisions that preserve the existing calculation rules cease to apply to that case.

Regulation 2 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 by removing provisions relating to child support maintenance.

Regulation 3 inserts a new provision in the Child Support Information Regulations 2008 allowing the Child Maintenance and Enforcement Commission to require a non-resident parent whose income has been calculated by reference to current employment as an employee or officeholder to report an increase in that income. Failure to comply will be an offence under section 14A of the Child Support Act 1991.

Regulation 4 amends the Child Support (Collection and Enforcement) Regulations 1992 by substituting a provision allowing payments of child support maintenance to be scheduled as equal

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- (a) S.I. 2011/ .
 - (b) S.I. 2001/157.
 - (c) S.I. 2000/155.
 - (d) S.I. 2000/156.
 - (e) S.I. 1992/1815.
 - (f) S.I. 1992/1813.
 - (g) S.I. 1996/2907.

instalments payable over an annual period. It also makes an amendment to the maximum deduction rate for a regular deduction order.

Regulations 5, 6 and 7 make consequential amendments to, respectively, the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992, Child Support (Voluntary Payments) Regulations 2000 and the procedure rules for the First-Tier Tribunal (Social Entitlement Chamber).

Regulation 8 revokes a number of sets of regulations which are replaced by the Child Support Maintenance Calculation Regulations 2012.