STATUTORY INSTRUMENTS

2016 No. 982

FAMILY LAW

CHILD SUPPORT

The Child Support (Deduction from Earnings Orders Amendment and Modification and Miscellaneous Amendments) Regulations 2016

Made - - - -	*10th October 2016*
Laid before Parliament	*17th October 2016*
Coming into force - -	*7th November 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 29(2) and (3), 32(1), (2)(n) and (5), 51(1) and 52(4) of the Child Support Act 1991(**1**), and section 55(3) and (4) of, and paragraphs 5 and 6(1) and (2) of Schedule 5 to, the Child Maintenance and Other Payments Act 2008(**2**):

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Child Support (Deduction from Earnings Orders Amendment and Modification and Miscellaneous Amendments) Regulations 2016 and come into force on 7th November 2016.

(2) Regulations 2, 3, 4 and 6 cease to have effect on 22nd May 2021, and the Child Support (Collection and Enforcement) Regulations 1992(**3**) apply thereafter as if the amendments made to them by regulation 2 had not been made.

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

2. In regulation 20(1)(**4**) of the Child Support (Collection and Enforcement) Regulations 1992 (discharge of deductions from earnings orders) insert after sub-paragraph (g)—

"; or

(**1**) 1991 c. 48. Section 29(2) and (3) are amended by section 1(2)(a) and (b) of the Child Support Pensions and Social Security Act 2000 (c.19) and paragraphs 1 and 32 of Part 1 of Schedule 3 to the Child Maintenance and Other Payments Act 2008 (c.6).
(**2**) Schedule 5 is amended by S.I. 2012/2007.
(**3**) S.I. 1992/1989.
(**4**) Relevant amending instruments are S.I. 1995/1045, 2001/162, 2008/2544, 2009/1815, 2012/2007, 2012/2785 and 2013/1517.

(h) it is appropriate to discharge the order in a case where liability has ceased to accrue under the maintenance assessment or maintenance calculation in respect of which the order is made because the power under paragraph 1(1) of Schedule 5 to the Child Maintenance and Other Payments Act 2008 (power to require a decision about whether to stay in the statutory scheme) has been exercised in relation to the case.".

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

3.—(1) The Child Support (Collection and Enforcement) Regulations 1992 are modified as follows in relation to 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(**5**) (calculation of weekly amount of child support maintenance) as amended by paragraph 2 of Schedule 4 to the Child Maintenance and Other Payments Act 2008 (calculation by reference to gross weekly income).

(2) Regulation 7(1) (notice to liable person as to requirements about payment) has effect as if—

(a) in sub-paragraph (e) after "child support maintenance" there were inserted "calculated in accordance with Part 1 of Schedule 1 to the Act as amended by paragraph 2 of Schedule 4 to the Child Maintenance and Other Payments Act 2008 ("the new scheme rules");

(b) after sub-paragraph (e) there were inserted—

"and

(f) the amount of any payment of child support maintenance calculated otherwise than in accordance with the new scheme rules which is overdue and which remains outstanding ("the old scheme arrears"), where the old scheme arrears have been transferred to the computer system on which cases where child support maintenance is calculated under the new scheme rules are administered by the Secretary of State.".

(3) The Child Support (Collection and Enforcement) Regulations 1992 have effect as if after Part IV (liability orders) there were inserted—

"Part V

Segment 5 cases

Modifications in relation to certain segment 5 cases

36.—(1) These Regulations have effect with the following modifications in relation to a case where—

(a) the person with care, non-resident parent and qualifying child were the person with care, non-resident parent or absent parent and qualifying child in relation to an existing case ("the previous case") where—

(i) notice has been given under regulation 5(2) of the Ending Liability Regulations (exercise of choice as to whether or not to stay in the statutory scheme) specifying a liability end date determined in accordance with regulation 6(1)(b) of those Regulations(**6**);

(ii) on the date on which the notice was printed by the Secretary of State the case was a segment 5 case (which has the meaning given in the scheme prepared by

(**5**) Part 1 of Schedule 1 to the 1991 Act was substituted by Schedule 1 to the Child Support Pensions and Social Security Act 2000 and amended by Schedule 4 to the Child Maintenance and Other Payments Act 2008.

(**6**) Regulation 6(1)(b) is amended by regulation 5 of these Regulations.

the Secretary of State under regulation 3(1) of the Ending Liability Regulations (as revised from time to time)(**7**)); and

(iii) the notice was sent on or after 23rd May 2016; and

(b) an application for a maintenance calculation is made before the liability end date in the previous case.

(2) Regulation 3 (method of payment) has effect as if—

(a) paragraphs (3) to (8) were omitted;

(b) in paragraph (9) the definitions of "family" and "relevant employer" were omitted.

(3) Regulation 4(1)(b) (payments to be scheduled over reference period) has effect as if the word "equal" were omitted.

(4) Regulation 20 (discharge of deduction from earnings orders) has effect as if—

(a) in paragraph (1) after "(1A)(**8**)" there were substituted "or (1B)";

(b) in paragraph (1) after sub-paragraph (h) there were inserted—

"; or

(i) the liable person receives any benefit prescribed under paragraph 4(1)(b) of Schedule 1 to the Act for the purposes of paragraph 4 of that Schedule(**9**);"

(c) after paragraph (1A) there were inserted—

"(1B) This paragraph applies where—

(a) the Secretary of State has specified that a portion of the child support maintenance payable is to be paid by a method of payment listed in regulation 3(1)(a) to (g);

(b) the liable person has made payments by the method specified for such period as the Secretary of State considers appropriate in the circumstances of the case; and

(c) the Secretary of State considers it is reasonable to discharge the order in the circumstances of the case.".

(5) In regulation 22 (appeals against deduction from earnings orders)—

(a) in paragraph (2), omit "subject to paragraph (2A),";

(b) omit paragraphs (2A), (3A) and (5);

(c) in paragraph (3), omit "subject to paragraph (3A),";

(d) in paragraph (4), omit "subject to paragraph (5),".

(6) In this regulation—

"absent parent" has the meaning given in section 3(2) (meaning of certain terms) of the 1991 Act;

"the Ending Liability Regulations" means the Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations 2014(**10**);

(**7**) The scheme is available on https:/www.gov.uk/government/uploads/attachments-data/file/399522/child-maintenance-ending-liability-scheme-17-dec-2014.pdf. A paper copy may be obtained from the Department for Work and Pensions, Child Support, Caxton House, Tothill Street, London, SW1H 9NA.

(**8**) Paragraph (1A) was inserted by regulation 2(8)(c) of the Child Support (Consequential Amendments) Regulations 2014/1386 as amended by S.I. 2014/1621. Paragraph (1A) applies to a case where child support maintenance is calculated under the new scheme rules.

(**9**) Part 1 of Schedule 1 was substituted by section 1(3) of and Schedule 1 to, the Child Support Pensions and Social Security Act 2000.

(**10**) S.I. 2014/614 is amended by S.I. 2014/1386.