STATUTORY INSTRUMENTS

2015 No. 338

FAMILY LAW

CHILD SUPPORT

The Child Support (Miscellaneous and Consequential Amendments) Regulations 2015

Made - - - - *19th February 2015*

Laid before Parliament *26th February 2015*

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 28ZD(1), 34(1)(b), 41B(3), 49D(2)(c), 51(1) and (2)(i), 52(4) and 54(1) of, and paragraph 5(1) and (2) of Schedule 1 (as it has effect apart from section 1 of the Child Support, Pensions and Social Security Act 2000(**1**)) to, the Child Support Act 1991(**2**), makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Child Support (Miscellaneous and Consequential Amendments) Regulations 2015.

(2) Subject to paragraph (3), these Regulations come into force on 23rd March 2015.

(3) Regulation 3 comes into force on the date on which section 1 of the Childcare Payments Act 2014 (entitlement to receive money towards costs of childcare)(**3**) comes into force for all purposes.

Amendments to the Child Support (Maintenance Assessment Procedure) Regulations 1992

2.—(1) The Child Support (Maintenance Assessment Procedure) Regulations 1992 (**4**) are amended as follows.

(**1**) 2000 c. 19.

(**2**) 1991 c. 48. Section 28ZD was inserted by section 44 of the Social Security Act 1998 (c.14) and subsection (1) was amended by S.I. 2008/2833. Section 41B was inserted by section 23 of the Child Support Act 1995 (c. 34) and subsection (3) was amended by section 13 of, and paragraph 45 of Schedule 3 to, the Child Maintenance and other Payments Act 2008 (c. 6) ("the 2008 Act") and S.I. 2012/2007. Section 49D was inserted by section 40 of the 2008 Act and subsection (2) was amended by S.I .2012/2007. Section 54 is cited for the meaning given to the word "prescribed". Subsection (1) of section 54 was inserted by Schedule 7 to the 2008 Act. Paragraph 5(1) of Schedule 1 was amended by the Child Support, Pensions and Social Security Act 2000, section 1(2)(b).

(**3**) 2014 c. 28.

(**4**) S.I. 1992/1813, which was revoked with savings by S.I. 2001/157 and 2012/2785.

(2) In regulation 17 (revision of decisions), in paragraph (1)(a)(**5**)—

(a) omit "within one month of the date of notification of the decision or within such longer time as may be allowed by regulation 18";

(b) after "section 16 of the Act" insert—

"either—

(i) within one month of the date of notification of the decision;

(ii) within one month of the date on which notice of the correction is given under regulation 53A(3) (correction of accidental errors); or

(iii) within such longer time as may be allowed by regulation 18;".

(3) After regulation 53 (authorisation of representative) insert—

"**Correction of accidental errors**

53A.—(1) An accidental error in a decision of the Secretary of State made under the Act, or in any record of such a decision, may be corrected by the Secretary of State at any time.

(2) Such a correction is to be treated as part of that decision or of that record.

(3) The Secretary of State must give written notice of the correction as soon as practicable to the persons to whom notice of the decision was required to be given.

(4) In calculating the time within which an application may be made under regulation 17(1)(a) (revision of decisions) for a decision to be revised, no account is to be taken of any day falling before the day on which notice of any correction was given.".

Amendment to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992

3. After paragraph 48F of Schedule 2 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (amounts to be disregarded when calculating or estimating N and M)(**6**) insert—

"**48G.** Any top-up payment made under the Childcare Payments Act 2014 ("top-up payment" is to be read in accordance with section 1 of that Act).".

Amendments to the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992

4. In regulations 10A(1)(a) (reimbursement of a repayment of overpaid child maintenance) and 10B (repayment of a reimbursement of a voluntary payment) of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992(**7**), after "income support" insert ", income-related employment and support allowance".

Amendments to the Child Support (Collection and Enforcement) Regulations 1992

5. Schedule 1 to the Child Support (Collection and Enforcement) Regulations 1992 (liability order prescribed form)(**8**) is amended as follows—

(**5**) Regulation 17 was inserted by S.I. 1999/1047 and amended by S.I. 2000/1596, 2004/2415, 2008/2543, 2011/1464 and 2013/2380.

(**6**) S.I. 1992/1815, which was revoked with savings by S.I. 2001/155 and 2012/2785. Paragraph 48F was inserted by S.I. 2003/2779 and amended by S.I. 2005/2877.

(**7**) S.I. 1992/1816. Regulation 10A(1) was inserted by S.I. 1995/3261 and amended by S.I. 1996/1345, 2001/162 and 2002/3019. Regulation 10B was inserted by S.I.2001/162 and amended by S.I. 2002/3019.

(**8**) S.I. 1992/1989; relevant amending instruments are S.I. 2001/162 and 2014/1386.

(a) omit "for Social Security";

(b) for "are due from the defendant" substitute "have become payable by the liable person (the defendant)";

(c) for "are outstanding" substitute "have not been paid";

(d) for "collected by virtue of" substitute "that the Secretary of State has arranged to collect under".

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

6.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(**9**) are modified, 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 as substituted by Schedule 1 to the Child Support, Pensions and Social Security Act 2000, before its amendment by paragraph 2 of Schedule 4 to the Child Maintenance and Other Payments Act 2008(**10**), as if they had been amended as follows.

(2) In regulation 3A(1) (revision of child support decisions)(**11**), for sub-paragraph (a) substitute —

"(a) if the Secretary of State receives an application for the revision of a decision under either section 16 or section 28G of the Child Support Act—

(i) within one month of the date of notification of the decision;

(ii) within one month of the date on which notice of the correction is given under regulation 9B(3) (correction of accidental errors in child support decisions); or

(iii) within such longer time as may be allowed under regulation 4;".

(3) After regulation 9A (correction of accidental errors)(**12**) insert—

"**Correction of accidental errors in Child Support Decisions**

9B.—(1) An accidental error in a decision of the Secretary of State made under the Child Support Act 1991, or in any record of such a decision, may be corrected by the Secretary of State at any time.

(2) Such a correction is to be treated as part of that decision or of that record.

(3) The Secretary of State must give written notice of the correction as soon as practicable to the persons to whom notice of the decision was required to be given.

(4) In calculating the time within which an application may be made under regulation 3A(1)(a) (revision of child support decisions) for a decision to be revised, no account is to be taken of any day falling before the day on which notice of any correction was given.".

Amendment to the Child Support Information Regulations 2008

7. After regulation 14 of the Child Support Information Regulations 2008 (employment to which section 50 of the 1991 Act applies)(**13**) insert—

(**9**) S.I. 1999/991; relevant amending instruments are S.I.2000/3185, 2002/1204, 2002/1379, 2003/916, 2008/2543, 2008/2544, 2008/2683, 2009/396 and 2012/2007

(**10**) 2008 c. 6.

(**11**) Regulation 3A was inserted by S.I. 2000/3185 and amended by S.I. 2002/1204, 2008/2543, 2008/2544, 2008/2683, 2009/396 and 2012/2007.

(**12**) Regulation 9A was inserted by S.I. 2002/1379, revoked in relation to certain cases by S.I. 2003/916 and amended by S.I. 2008/2683.

(**13**) S.I. 2008/2551.Regulation 14 was amended by S.I. 2009/396 and 2012/725.