Draft Statutory Instrument laid before Parliament under section 52(2) of the Child Support Act 1991, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2000 No.

FAMILY LAW

CHILD SUPPORT

The Child Support (Information, Evidence and Disclosure and Maintenance Arrangements and Jurisdiction) (Amendment) Regulations 2000

Made - - - - 2000

Coming into force as provided in regulation 1(3)

Whereas a draft of this Instrument was laid before Parliament in accordance with section 52(2) of the Child Support Act 1991(**1**) 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 upon him by sections 4(4), 6(7), 7(5), 10(1), (2) and (4), 14(1), (1A) and (3), 44(2A), 51, 52(1) and (4), 54 and 57 of the Child Support Act 1991(**2**), 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 (Information, Evidence and Disclosure and Maintenance Arrangements and Jurisdiction) (Amendment) Regulations 2000.

(2) In these Regulations—

(a) "the Information Regulations" means the Child Support (Information, Evidence and Disclosure) Regulations 1992(**3**);

(**1**) 1991 c. 48. Section 52 is amended by section 25 of the Child Support, Pensions and Social Security Act 2000 (c. 19).

(**2**) The Act is amended by Part I of the Child Support, Pensions and Social Security Act 2000. Section 4(4) is amended by paragraph 11(3) of Schedule 3 to that Act, section 14(1) is amended by section 12 of, and paragraph 11(7) of Schedule 3 to, that Act, section 6(9) is substituted by section 3 of that Act, sections 51 and 54 are amended by paragraph 11(19) and (20) respectively of Schedule 3 to that Act and section 44(2A) is inserted by section 22(3) of that Act. Section 54 is cited because of the meaning ascribed to the word "prescribed".

(**3**) S.I. 1992/1812. Amending instruments are S.I. 1995/123, 1995/1045, 1995/3261, 1996/1945, 1996/2907, 1998/58, 1999/977 and 1999/1510.

(b) "the Jurisdiction Regulations" means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(**4**); and

(c) "the Act" means the Child Support Act 1991.

(3) These Regulations shall come into force as follows—

(a) regulations 5(2)(b), (d) and (e), 6(3) and 7(1) and, for the purposes of those provisions, this regulation, shall come into force in relation to a particular case on the day on which section 13 of the Child Support, Pensions and Social Security Act 2000 comes into force for the purposes of that type of case;

(b) regulation 8(3) and, for the purposes of that provision, this regulation shall, come into force in relation to a particular case on the day on which section 22(3) of the Child Support, Pensions and Social Security Act 2000 comes into force for the purposes of that type of case;

(c) regulation 4 and, for the purposes of that provision, this regulation, shall come into force on 1st April 2001(**5**); and

(d) the remainder of these Regulations shall come into force in relation to a particular case on the day on which sub-paragraphs (19) and (20) of paragraph 11 of Schedule 3 to the Child Support, Pensions and Social Security Act 2000, which respectively amend sections 51 and 54 of the Act, come into force for the purposes of that type of case.

References to "absent parent", "assessment" and "departure direction"

2.—(1) For the words "absent parent" wherever they appear in the Information Regulations and the Jurisdiction Regulations there shall be substituted the words "non-resident parent".

(2) For the word "assessment" wherever it appears in the Information Regulations and the Jurisdiction Regulations there shall be substituted the word "calculation".

(3) In regulation 3(1)(f) of the Information Regulations for the word "assessed" there shall be substituted the word "calculated".

(4) In regulation 9A(2)(c)(ii) of the Information Regulations for the words "departure direction" there shall be substituted the word "variation".

References to regulations

3.—(1) In regulation 1(2) of the Information Regulations and regulation 1(2) of the Jurisdiction Regulations—

(a) for the definition of the Maintenance Assessments and Special Cases Regulations there shall be substituted

> ""Maintenance Calculations and Special Cases Regulations" means the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(**6**);"; and

(b) for the definition of the Maintenance Assessment Procedure Regulations there shall be substituted

> ""Maintenance Calculation Procedure Regulations" means the Child Support (Maintenance Calculation Procedure) Regulations 2000(**7**);".

(**4**) S.I. 1992/2645. Amending instruments are S.I. 1993/913, 1995/123, 1995/1045, 1995/3261 and 1999/1510.
(**5**) This is the day on which section 90 (transfer of clerks' functions to the chief executives) of the Access to Justice Act 1999 (c. 22) comes into force.
(**6**) S.I. 2000/ .
(**7**) S.I. 2000/ .

(2) In regulation 1(2), in the definition of "relevant person", of the Information Regulations and regulation 5(3)(c) of the Jurisdiction Regulations for the words "regulation 20 of the Maintenance Assessments and Special Cases Regulations" there shall be substituted the words "regulation 8 of the Maintenance Calculations and Special Cases Regulations".

(3) In the Information Regulations—

(a) in regulation 5(1) for the words "regulations 2(5) and 6(1) of the Maintenance Assessment Procedure Regulations" there shall be substituted the words "regulation 3(4) of the Maintenance Calculation Procedure Regulations"; and

(b) in regulation 9A(1)(d) for the words "regulation 10 of the Maintenance Assessment Procedure Regulations" there shall be substituted the words "regulation 23 of the Maintenance Calculation Procedure Regulations".

References to "clerk to the justices"

4. In regulation 2(3)(a)(iii) of the Information Regulations and regulations 5(4)(a)(iii) and 6(2)(a)(iii) of the Jurisdiction Regulations for the words "clerk to the justices of" there shall be substituted the words "justices' chief executive for".

Amendment of regulations 1 and 2 of the Information Regulations

5.—(1) In regulation 1(2) of the Information Regulations—

(a) for the definition of "local authority" there shall be substituted

> ""local authority" means, in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly and, in relation to Wales, a county council or a county borough council and, in relation to Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994(**8**);"; and

(b) in the definition of "relevant person" after the words "in respect of whom" there shall be substituted the words

> "a maintenance calculation has been applied for, or has been treated as applied for under section 6(3) of the Act, or is or has been in force.".

(2) In regulation 2(2) of the Information Regulations—

(a) in sub-paragraphs (c) and (cc) the words "or the parent with care" shall be omitted;

(b) in sub-paragraphs (c) and (cc) after "(d), (e), (f), (h)" there shall be inserted ", (hh)";

(c) in sub-paragraphs (b), (c) and (cc) for the words "assessment has been made" there shall be substituted the words "calculation has been made, or has been treated as made,";

(d) in sub-paragraph (d)—

(i) for the word "matter" there shall be substituted the word "matters"; and

(ii) after the words "sub-paragraph (a)" there shall be inserted ", (d), (e), (f), (h) and (hh)"; and

(e) after sub-paragraph (e) there shall be inserted—

> "(f) a person who acts or has acted as an accountant for the absent parent, including where that person is self-employed, in relation to any business accounts of that parent with respect to the matters listed in sub-paragraphs (e), (f), (h) and (hh) of regulation 3(1);

(**8**) 1994 c. 39.

(g) a company or partnership for whom the absent parent is providing or has provided services under a contract for services with respect to the matters listed in sub-paragraphs (e) and (f) of regulation 3(1); and

(h) persons employed in the service of the Crown or otherwise in the discharge of Crown functions—

(i) under sections 97 to 99A of the Road Traffic Act 1988(**9**) or Part II of the Vehicle Excise and Registration Act 1994(**10**) with respect to the matter listed in sub-paragraph (e) of regulation 3(1); or

(ii) under the Prison Act 1952(**11**) with respect to the matter listed in sub-paragraph (e) of regulation 3(1).".

Amendment of regulations 3 and 3A of the Information Regulations

6.—(1) In regulation 3(1) of the Information Regulations—

(a) in sub-paragraph (aa) after "maintenance order" there shall be inserted mdash;

"made on or after the date prescribed for the purposes of section 4(10)(a) of the Act(**12**) which has been in force for at least a year from the date it was made"; and

(b) after sub-paragraph (k) there shall be inserted—

"(l) a determination as to who is in receipt of child benefit, payable under Part IX of the Social Security Contributions and Benefits Act 1992(**13**), either for a child who may be a relevant other child for the purposes of Schedule 1 to the Act, or for the qualifying child where a parent may fall to be treated as a non-resident parent under the Maintenance Calculations and Special Cases Regulations.".

(2) In regulation 3(2) of the Information Regulations—

(a) in sub-paragraphs (a) and (e) for the words from "an application" to "made" and in sub-paragraph (b) for the words from "the application" to "made" there shall be substituted the words "the maintenance calculation has been applied for, or has been treated as applied for";

(b) the following words shall be omitted—

(i) in sub-paragraph (g) "or a parent with care";

(ii) in sub-paragraph (h) "or parent with care";

(iii) in sub-paragraph (i) "and a parent with care";

(iv) in sub-paragraph (l) "or living in the same household as the parent with care" and "or the parent with care, as the case may be";

(v) in sub-paragraph (q) "or the person with care"; and

(vi) in sub-paragraph (r)(i) "or should be cancelled"; and

(c) sub-paragraphs (j), (m), (n), (o), (p) and (s) shall be omitted.

(**9**) 1988 c. 52. Sections 97 to 99A were amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), the Road Traffic Act 1991 (c. 40), the Driving Licence (Community Driving Licence) Regulations 1990 S.I. 1990/144, the Driving Licence (Community Driving Licence) Regulations 1996 S.I. 1996/1974 and the Driving Licence (Community Driving Licence) Regualtions 1998 S.I. 1998/1420.
(**10**) 1994 c. 22. Part II was amended by the Finance Act 1995 (c. 4), the Finance Act 1996 (c. 8), the Finance Act 1997
(**11**) 1952 c. 52.
(**12**) Section 4(10) was amended by section 2 of the Child Support, Pensions and Social Security Act 2000.
(**13**) 1992 c. 4.