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STATUTORY INSTRUMENTS

2021 No. 763

FAMILY LAW

CHILD SUPPORT

The Child Support (Collection and Enforcement and Maintenance Calculation) (Amendment No. 2) Regulations 2021

Made - - - -	*25th June 2021*
Laid before Parliament	*28th June 2021*
Coming into force in accordance with regulation 1	

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 34(1)(a) and (b), 39F(a), 40(11)(a), 40B(11) and 55(1)(b) of the Child Support Act 1991(**a**).

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Child Support (Collection and Enforcement and Maintenance Calculation) (Amendment No. 2) Regulations 2021 and, subject to paragraph (2), come into force on 11th July 2021.

(2) Regulations 3 and 4 come into force on 19th July 2021.

(3) The Child Support (Collection and Enforcement and Maintenance Calculation) (Amendment) Regulations 2021(**b**) are revoked.

Extent and Application

2.—(1) Subject to paragraph (2) these Regulations extend to England and Wales and Scotland.

(2) Regulation 3(3) and (7) (and regulation 3(1) in so far as it relates to those provisions) extends to England and Wales only.

(3) The remainder of regulation 3 applies in relation to England and Wales only.

(**a**) 1991 c. 48 ("the 1991 Act"). Section 34(1)(a) was amended by S.I. 2012/2007, the Schedule, paragraph 44. Section 39F(a) was inserted by section 27 of the Child Maintenance and Other Payments Act 2008 (c. 6) (the "2008 Act") and substituted by the Welfare Reform Act 2009 (c. 24), Schedule 5, paragraphs 1 and 6. Section 40B(11) was inserted by section 16 of the Child Support, Pensions and Social Security Act 2000 (c. 19). Section 55(1)(b) was substituted by section 42 of the 2008 Act.

(**b**) S.I 2021/738.

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

3.—(1) The Child Support (Collection and Enforcement) Regulations 1992(**a**) are amended as follows.

(2) In regulation 29 (liability orders) omit paragraph (1).

(3) In regulation 34 (warrant of commitment) omit paragraph (1).

(4) In regulation 35 (disqualification from driving order) omit paragraph (4)(**b**).

(5) In regulation 35A (disqualification for holding or obtaining a United Kingdom passport) omit paragraph (4)(**c**).

(6) Omit Schedule 1 (liability order prescribed form).

(7) Omit Schedule 3 (form of warrant of commitment).

(8) Omit Schedule 4 (form of order of disqualification from holding or obtaining a driving licence).

(9) Omit Schedule 5 (form of order of disqualification for holding or obtaining a United Kingdom passport).

Amendment of the Child Support Maintenance Calculation Regulations 2012

4.—(1) The Child Support Maintenance Calculation Regulations 2012(**d**) are amended as follows.

(2) In regulation 76 (meaning of "child" for the purpose of the 1991 Act)—

(a) the existing text shall be paragraph (1);

(b) at the beginning of paragraph (1) for "The prescribed" substitute "Subject to paragraphs (2) and (3), the prescribed"; and

(c) after paragraph (1) insert—

"(2) A person does not satisfy the condition referred to in paragraph (1) where the person is—

(a) engaged in remunerative work in any week during a prescribed period; or

(b) in receipt of other financial support in any week.

(3) Case 2.1(b)(i) in regulation 7(2) (qualifying young person: terminal dates) of the Child Benefit (General) Regulations 2006(**e**) (the "2006 Regulations") is to be read as if at the beginning there were inserted "the week in which".

(4) In this regulation—

"other financial support" means any of the types of financial support specified in regulation 8(2) (child benefit not payable in respect of a qualifying young person: other financial support) of the 2006 Regulations;

"prescribed period" is the period found in accordance with cases 1 and 2 in regulation 7(2) of the 2006 Regulations (as modified in respect of case 2.1(b)(i) by paragraph (3) of this regulation);

"remunerative work" has the meaning given in regulation 1(3) (citation, commencement and interpretation) of the 2006 Regulations;

"week" has the meaning in the 2006 Regulations.".

(**a**) S.I. 1992/198.
(**b**) Regulation 35 was inserted by S.I. 2001/162 and modified by Schedule 1 to the 1991 Act and S.I. 2016/982.
(**c**) Regulation 35A was inserted by S.I. 2018/1279.
(**d**) S.I. 2012/2677.
(**e**) S.I. 2006/223. Relevant amending instruments are S.I. 2008/1879, S.I. 2008/1879, S.I. 2013/630, S.I. 2008/412 and S.I. 2013/630.

Signed by the authority of the Secretary of State for Work and Pensions

Stedman-Scott
Parliamentary Under Secretary of State
25th June 2021 Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Child Support (Collection and Enforcement and Maintenance Calculation) (Amendment) Regulations 2021 (S.I 2021/738) which contained referencing errors in: the correction banner, inserted regulation 76(3) and, in the Explanatory Note, references to regulation 4(2) and (3) of those Regulations.

These Regulations amend the Child Support (Collection and Enforcement) Regulations 1992 (S.I. 1992/198). The prescribed forms for use in England and Wales by magistrates' courts when making a liability order, a warrant of commitment, disqualification from holding or obtaining a driving licence, and disqualification from holding or obtaining a United Kingdom passport are all omitted.

These Regulations also amend the Child Support Maintenance Calculation Regulations 2012 (S.I. 2012/2677) by inserting regulations 76(2) to (4). Regulation 76(1) (as renumbered by these Regulations) sets out the condition for a person who has reached the age of 16 and is under the age of 20 to fall within the definition of "child" for the purposes of the Child Support Act 1991 (c. 48) (the "1991 Act"). Regulation 76(1) states that such a person must be a "qualifying young person" as defined in section 142(2) of the Social Security Contributions and Benefits Act 1992 (c. 4).

The effect of inserted regulation 76(2)(a) is that a person who is in paid work, or working in expectation of payment, ("remunerative work") in any week in the "prescribed period" is not a "qualifying young person" and, therefore, is not a "child" for the purposes of the 1991 Act. The person is not, therefore, the subject of child support.

The "prescribed period" is defined in regulation 7(2) of the Child Benefit (General) Regulations 2006 ("the 2006 Regulations"). It is the period of time between a person leaving relevant education or approved training and the applicable terminal date, or their 20th birthday, whichever is sooner. There are four terminal dates which are: the last day of February, May, August and November.

The effect of inserted regulation 76(2)(b) and (4) is that a person who is in receipt of the benefits and credits mentioned in regulation 8(2) of the 2006 Regulations does not satisfy the condition of being a "qualifying young person" and therefore is not a "child" for the purposes of the 1991 Act. The person is not the subject of child support.

Where a person is entered for exams, inserted regulation 76(3) provides that the prescribed period ends in "the week in which" the applicable terminal date falls. After the prescribed period ends, the person is no longer a "child" and is not the subject of child support.

An impact assessment has not been produced for this instrument as it has no impact on business and civil society organisations.

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