

SCHEDULE

Consequential, supplementary and incidental amendments

PART 2

Amendments to Statutory Instruments

Child Support (Maintenance Assessments and Special Cases) Regulations 1992

110. In paragraph 5B of Schedule 1 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992⁽¹⁾ (estimate of earnings where insufficient information available), in sub-paragraphs (1) and (2), for “Commission” (in each place) substitute “Secretary of State”.

Child Support (Collection and Enforcement) Regulations 1992

111.—(1) The Child Support (Collection and Enforcement) Regulations 1992⁽²⁾ are amended as follows.

(2) In regulation 25A (interpretation)—

(a) in paragraph (1), in the definition of “working day” for “Commission” substitute “Secretary of State”; and

(b) in paragraphs (2), (3), (4) and (7), for “Commission” (in each place) substitute “Secretary of State”.

(3) In regulation 25E (notification by the deposit-taker to the Commission), in paragraphs (1), (3), (4) and (5) and in the heading to that regulation, for “Commission” (in each place) substitute “Secretary of State”.

(4) In regulation 25F (notification by the Commission to the deposit-taker) and the heading to that regulation, for “Commission” substitute “Secretary of State”.

(5) In regulation 25G (review of a regular deduction order)—

(a) in paragraphs (1) and (2)(a), for “Commission” substitute “Secretary of State”; and

(b) in paragraph (3), for “Commission” (in both places) substitute “Secretary of State” and for “it” (in both places) substitute “the Secretary of State”.

(6) In regulation 25I (variation of a regular deduction order), in paragraphs (1), (2) and (3), for “Commission” (in each place) substitute “Secretary of State”.

(7) In regulation 25J (lapse of a regular deduction order), in paragraphs (2), (3) and (4), for “Commission” (in each place) substitute “Secretary of State”.

(8) In regulation 25K (revival of a regular deduction order), for “Commission” (in each place) substitute “Secretary of State”.

(9) In regulation 25L (discharge of a regular deduction order)—

(a) in paragraph (1), for “Commission” (in each place) substitute “Secretary of State” and in sub-paragraph (d) of that paragraph, for “it” substitute “the Secretary of State”; and

(b) in paragraph (2), for “Commission” substitute “Secretary of State”.

(10) In regulation 25M (period in which representations may be made), for “Commission” substitute “Secretary of State”.

⁽¹⁾ [S.I. 1992/1815](#). Paragraph 5B was inserted by [S.I. 2012/712](#).

⁽²⁾ [S.I. 1992/1989](#). Relevant amendments were made by [S.I. 2009/1815](#).

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(11) In regulation 25N (disapplication of sections 32G(1) and 32H(2)(b) of the Act), in paragraphs (1), (2), (3), (4) and (6), for “Commission” (in each place) substitute “Secretary of State”.

(12) In regulation 25O (information), in paragraphs (1), (3), (4) and (5), for “Commission” (in each place) substitute “Secretary of State”.

(13) In regulation 25R (variation of a lump sum deduction order), in paragraphs (1) and (2), for “Commission” (in each place) substitute “Secretary of State”.

(14) In regulation 25S (lapse of a lump sum deduction order), in paragraphs (2) and (3), for “Commission” (in each place) substitute “Secretary of State”.

(15) In regulation 25T (revival of a lump sum deduction order), for “Commission” (in each place) substitute “Secretary of State”.

(16) In regulation 25U (discharge of a lump sum deduction order)—

(a) in paragraphs (1) and (2), for “Commission” (in each place) substitute “Secretary of State”; and

(b) in paragraph (1)(d), for “it” substitute “the Secretary of State”.

(17) In regulation 25V(a)(ii) (time at which a lump sum deduction order under section 32E of the Act ceases to be in force), for “Commission” substitute “Secretary of State”.

(18) In regulation 25X(2) (accounts of a prescribed description), for “Commission” substitute “Secretary of State”.

(19) In regulation 25Z (administrative costs), for “Commission” substitute “Secretary of State”.

(20) In regulation 25AA (payment by deposit-taker to the Commission), in paragraphs (1) and (2) and in the heading to that regulation, for “Commission” (in each place) substitute “Secretary of State”.

(21) In regulation 25AB(1)(b) (appeals), for “Commission” substitute “Secretary of State”.

(22) In regulation 25AC (offences), in paragraphs (a) and (e), for “Commission” substitute “Secretary of State”.

(23) In regulation 25AD (Commission to warn of consequences of failing to comply with an order or to provide information) and in the heading to that regulation, for “Commission” substitute “Secretary of State”.

Child Support Departure Direction and Consequential Amendments Regulations 1996

112. In the Child Support Departure Direction and Consequential Amendments Regulations 1996(3)—

(a) in regulation 1(2) (interpretation), omit ““the Commission” means the Child Maintenance and Enforcement Commission;” and

(b) in regulation 24(1)(b) (diversion of income) for “Commission” substitute “Secretary of State”.

Social Security and Child Support (Decisions and Appeals) Regulations 1999

113.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999(4) are amended as follows.

(2) In regulation 1 (interpretation)—

(3) [S.I. 1996/2907](#).

(4) [S.I. 1999/991](#). Relevant amendments were made by [S.I. 2000/3185](#), [2001/158](#), [2002/1204](#), [2004/2415](#), [2008/2544](#) and [2683](#) and [2009/396](#)

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- (a) in paragraph (3), omit ““the Commission” means the Child Maintenance and Enforcement Commission;”;
 - (b) in paragraph (a) of the definition of “official error” omit “, the Commission” (in each place); and
 - (c) in the definition of “party to the proceedings” omit “or where the proceedings relate to child support, the Commission”.
- (3) In regulation 3A (revision of child support decisions)—
- (a) in paragraph (1)—
 - (i) for “Commission” (in each place) substitute “Secretary of State”;
 - (ii) for the first, second and third “it” substitute “the Secretary of State”; and
 - (iii) for the final “it” substitute “the Secretary of State”;
 - (b) in paragraphs (2)(b), (3) and (5), for “Commission” substitute “Secretary of State”;
 - (c) in paragraph (5A)—
 - (i) for “Commission” (in both places) substitute “Secretary of State”; and
 - (ii) in sub-paragraph (c), omit “it had been” and for “it made” substitute “of making”; and
 - (d) in paragraphs (8) and (9), for “Commission” (in each place) substitute “Secretary of State”.
- (4) In regulation 6A (supersession of child support decisions)—
- (a) in paragraph (1), for “Commission” substitute “Secretary of State”;
 - (b) in paragraph (2), for “Commission” substitute “Secretary of State” and for “its” substitute “the Secretary of State’s”; and
 - (c) in paragraphs (3) and (4), for “Commission” (in each place) substitute “Secretary of State”.
- (5) In regulation 6B (circumstances in which a child support decision may not be superseded), in paragraphs (1) and (5), for “Commission” substitute “Secretary of State”.
- (6) In regulation 7C (procedure where the Secretary of State proposes to supersede a decision under section 17 of the Child Support Act on his own initiative), for “Commission” substitute “Secretary of State”, for “its” substitute “the Secretary of State’s” and for “it” substitute “the Secretary of State”.
- (7) In regulation 15A (provision of information), for “Commission” (in each place) substitute “Secretary of State” and for “it” (in each place) substitute “the Secretary of State”.
- (8) In regulation 15B (procedure in relation to an application made under section 16 or 17 of the Child Support Act in connection with a previously determined variation)—
- (a) in paragraph (1), for “Commission” (in each place) substitute “Secretary of State” and for “it” (in each place) substitute “the Secretary of State”;
 - (b) in paragraph (2), for “Commission” (in each place) substitute “Secretary of State”;
 - (c) in paragraph (3)—
 - (i) for “Commission” substitute “Secretary of State”; and
 - (ii) in sub-paragraph (a)—
 - (aa) for the words from “it is satisfied” to “force” substitute “satisfied on the information or evidence available that a variation of the maintenance calculation in force will not be agreed”; and
 - (bb) for “it” (in both remaining places) substitute “the Secretary of State”;
 - (d) in paragraph (4)—

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- (i) for “Commission” (in each place) substitute “Secretary of State”;
 - (ii) for the first “it” substitute “the Secretary of State”; and
 - (iii) in sub-paragraph (a)—
 - (aa) for the first “it” substitute “the Secretary of State”; and
 - (bb) for “it may have” substitute “to be provided”; and
 - (iv) in sub-paragraph (b), for “it” substitute “the Secretary of State”;
 - (e) in paragraphs (5) and (6), for “Commission” substitute “Secretary of State” and for “it” substitute “the Secretary of State”;
 - (f) in paragraph (7), for “Commission” (in each place) substitute “Secretary of State” and for the first and second “it” substitute “the Secretary of State”; and
 - (g) in paragraph (8), for “Commission” substitute “Secretary of State” and for “it” substitute “the Secretary of State”.
- (9) In regulation 15C (notification of a decision made under section 16 or 17 of the Child Support Act)—
- (a) in paragraph (3), for “Commission” (in both places) substitute “Secretary of State”;
 - (b) in paragraphs (5), (9) and (11), for “Commission” (in each place) substitute “Secretary of State” and for “it” (in each place) substitute “the Secretary of State”; and
 - (c) in paragraph (12), for “Commission” substitute “Secretary of State”.
- (10) In regulation 23 (child support decisions involving issues that arise on appeal in other cases) —
- (a) in paragraph (3), for “Commission” substitute “Secretary of State”; and
 - (b) in paragraph (4), for “Commission” substitute “Secretary of State” and for “it” (in both places) substitute “the Secretary of State”.
- (11) In regulation 24 (child support appeals involving issues that arise in other cases)—
- (a) for “Commission” substitute “Secretary of State”; and
 - (b) in paragraph (a), for “it” substitute “the Secretary of State”.
- (12) In regulation 30 (appeal against a decision which has been replaced or revised), in paragraphs (1) and (5) omit “, the Commission”.
- (13) In regulation 32 (late appeals), in paragraphs (2) and (4), omit “, the Commission”.
- (14) In regulation 33 (notice of appeal), in paragraphs (2) and (3), omit “, the Commission” (in each place).
- (15) In Schedule 3D (effective dates for supersession of child support decisions), in paragraphs 9, 10 and 11, for “Commission” (in each place) substitute “Secretary of State”.

Child Support (Maintenance Calculations and Special Cases) Regulations 2000

114.—(1) The Schedule to the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(5) is amended as follows.

(2) In paragraph 6A (estimate of net weekly income of employed earner where insufficient information available), in sub-paragraphs (1) and (2), for “Commission” (in each place) substitute “Secretary of State”.

(5) [S.I. 2001/155](#). Paragraphs 6A and 9A were inserted into the Schedule by [S.I. 2012/712](#).

(3) In paragraph 9A (estimate of net weekly income of self-employed earner where insufficient information available), in sub-paragraphs (1) and (2), for “Commission” (in each place) substitute “Secretary of State”.

Child Support (Variations) Regulations 2000

115. In the Child Support (Variations) Regulations 2000⁽⁶⁾—

- (a) in regulation 1(2) (interpretation), omit ““the Commission” means the Child Maintenance and Enforcement Commission;” and
- (b) in regulation 19(4)(b) (income not taken into account and diversion of income), for “Commission” substitute “Secretary of State”.

Child Support Information Regulations 2008

116.—(1) The Child Support Information Regulations 2008⁽⁷⁾ are amended as follows.

(2) In regulation 3 (information from the applicant), for “Commission” (in each place) substitute “Secretary of State”.

(3) In regulation 4(1) (information from other persons), for “Commission” substitute “Secretary of State”.

(4) In regulation 5 (information from persons denying parentage), for “Commission” substitute “Secretary of State”.

(5) In regulation 6(1) (information from a court), for “Commission” substitute “Secretary of State”.

(6) In regulation 8 (Commission to warn of consequences of failing to provide information or providing false information) and in the heading to that regulation, for “Commission” substitute “Secretary of State”.

(7) In regulation 9 (duty to notify change of address), for “Commission” substitute “Secretary of State”.

(8) In regulation 10 (continuing duty of person with care), for “Commission” (in each place) substitute “Secretary of State”.

(9) In regulation 12 (disclosure of information to a court or tribunal), in paragraphs (1) and (3), for “Commission” substitute “Secretary of State”.

(10) In regulation 13 (disclosure of information to other persons)—

- (a) in paragraph (1), for “Commission” (in both places) substitute “Secretary of State” and in sub-paragraph (a) of that paragraph, for “it” substitute “the Secretary of State”; and
- (b) in paragraphs (3) and (4), for “Commission” (in each place) substitute “Secretary of State”.

(11) Regulation 16 (transitional provisions in relation to transfer of child support functions) is revoked.

Tribunal Procedure (First Tier Tribunal) (Social Entitlement Chamber) Rules 2008

117. In rule 19 of the Tribunal Procedure (First Tier Tribunal) (Social Entitlement Chamber) Rules 2008⁽⁸⁾ (confidentiality in child support or child trust fund cases)—

- (a) in paragraph (2)(a), omit “or the Child Maintenance and Enforcement Commission”;

⁽⁶⁾ [S.I. 2001/156](#). Relevant amendments made by [S.I. 2009/736](#).

⁽⁷⁾ [S.I. 2008/2551](#).

⁽⁸⁾ [S.I. 2008/2685](#).

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- (b) in paragraph (2)(b), omit “or the child Maintenance and Enforcement Commission, whichever has made enquiry.”; and
- (c) in paragraph (3), omit “, the Child Maintenance and Enforcement Commission”.

Tribunal Procedure (Upper Tribunal) Rules 2008

118. In rule 19 of the Tribunal Procedure (Upper Tribunal) Rules 2008⁽⁹⁾ (confidentiality in child support or child trust fund cases)—

- (a) in paragraph (2)(b)(iii), omit “, the Child Maintenance and Enforcement Commission”; and
- (b) in paragraph (3), omit “, the Child Maintenance and Enforcement Commission”.

Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2009

119. In Column (2) of Part 1 of Schedule 2 to the Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2009⁽¹⁰⁾ (list of government departments and other bodies whose views must be sought), for “Child Maintenance and Enforcement Commission” (in both places) substitute “Department for Work and Pensions”.

Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009

120. In Columns (1) and (2) of the Schedule to the Company, Limited Liability Partnership and Business Names (Public Authorities) Regulations 2009⁽¹¹⁾ (specified “Public Authorities” and list of government departments and other bodies whose views must be sought), omit “Child Maintenance and Enforcement Commission” (in both places).

Child Support (Management of Payments and Arrears) Regulations 2009

121.—(1) The Child Support (Management of Payments and Arrears) Regulations 2009⁽¹²⁾ are amended as follows.

- (2) In regulation 3 (arrears notices)—
 - (a) in paragraph (1)(a), for “Commission” substitute “Secretary of State”; and
 - (b) in paragraph (2), for “Commission” substitute “Secretary of State” and for “it” substitute “the Secretary of State”.
- (3) In regulation 4 (attribution of payments), for “Commission” substitute “Secretary of State” and for “it” substitute “the Secretary of State”.
- (4) In regulation 5 (set off of liabilities to pay child support maintenance), in paragraphs (1) and (2), for “Commission” substitute “Secretary of State”.
- (5) In regulation 6 (set off of payments against child support maintenance liability), in paragraphs (1) and (2), for “Commission” substitute “Secretary of State”.
- (6) In regulation 7 (application to set off)—
 - (a) in paragraph (1), for “Commission” substitute “Secretary of State”; and

⁽⁹⁾ S.I. 2008/2698.

⁽¹⁰⁾ S.I. 2009/2615.

⁽¹¹⁾ S.I. 2009/2982.

⁽¹²⁾ S.I. 2009/3151.

- (b) in paragraph (2), for “Commission” substitute “Secretary of State” and for the first “it” substitute “the Secretary of State”.
- (7) In regulation 8 (application of overpayments)—
 - (a) in paragraph (1), for “Commission” substitute “Secretary of State”; and
 - (b) in paragraph (2), for “Commission” substitute “Secretary of State” and for the first “it” substitute “the Secretary of State”.
- (8) In regulation 9 (application of voluntary payments)—
 - (a) in paragraph (1), for “Commission” substitute “Secretary of State”; and
 - (b) in paragraph (2), for “Commission” substitute “Secretary of State” and for the first “it” substitute “the Secretary of State”.
- (9) In regulation 10 (application and interpretation of Part 4), in paragraph (2), for “Commission” substitute “Secretary of State”.
- (10) In regulation 11 (recovery of arrears from a deceased person’s estate), for “Commission” substitute “Secretary of State”.
- (11) In regulation 12(2) (appeals and other proceedings), in the paragraph substituting paragraphs (1) and (2) of regulation 34 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(13), for “Commission” substitute “Secretary of State” and for “it” (in both places) substitute “the Secretary of State”.
- (12) In regulation 13 (disclosure of information), for “Commission” (in each place) substitute “Secretary of State”.

Regulation of Investigatory Powers (Communications Data) Order 2010

122.—(1) Part 2 of Schedule 2 to the Regulation of Investigatory Powers (Communications Data) Order 2010(14) (individuals in additional relevant public authorities that may acquire communications data falling within section 21(4)(b) and (c)) is amended as follows.

- (2) In the entry for the Child Maintenance and Enforcement Commission—
 - (a) in column (1), for “Child Maintenance and Enforcement Commission” substitute “Department for Work and Pensions”; and
 - (b) in column (2), after “grade” insert “carrying out functions in relation to child support”.

Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

123.—(1) Part 2 of the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010(15) (offices, etc and restrictions in respect of relevant public authorities specified in Part 2 of Schedule 1 to the Act) is amended as follows.

- (2) In the entry for the Child Maintenance and Enforcement Commission—
 - (a) in column (1), omit “The Child Maintenance and Enforcement Commission”;
 - (b) in column (2), omit “Senior Executive Officer or equivalent grade”;
 - (c) in column (3), omit “Higher Executive Officer or equivalent grade”; and
 - (d) in column (4), omit “Paragraph (b)”.
- (3) In the entry for the Department for Work and Pensions—

(13) S.I. 1999/991.

(14) S.I. 2010/480.

(15) S.I. 2010/521.

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- (a) in column (2), insert “Senior Executive Officer or equivalent grade carrying out functions in relation to child support”;
- (b) in column (3), insert “Higher Executive Office or equivalent grade carrying out functions in relation to child support”; and
- (c) in column (4), insert “Paragraph (b)”.

Management of Offenders etc. (Scotland) Act 2005 (Disclosure of Information) Order 2010

124.—(1) The Management of Offenders etc. (Scotland) Act 2005 (Disclosure of Information) Order 2010(**16**) is amended as follows.

(2) In article 2 (interpretation), omit ““the Commission” means the Child Maintenance and Enforcement Commission;”.

(3) In article 3 (disclosure of information to the Secretary of State and the Commission)—

- (a) in the heading, omit “and the Commission”;
- (b) omit “or” at the end of paragraph (1)(a);
- (c) omit sub-paragraph (1)(b);
- (d) omit “or” at the end of paragraph (2)(a);
- (e) after paragraph (2)(b) insert—

“or

(c) child support.”; and

(f) omit paragraph (3).

(4) In article 4 (disclosure of information to responsible authorities)—

- (a) omit “or” at the end of paragraph (1)(a);
- (b) after paragraph (1)(b) insert—

“or

(c) child support.”; and

(c) omit paragraph (2).

Family Procedure Rules 2010

125. In the Family Procedure Rules 2010(**17**)—

- (a) in rule 2.3(1) (interpretation), omit ““Commission” means the Child Maintenance and Enforcement Commission;”;
- (b) in rule 8.38 (who the parties are), for “Commission” substitute “Secretary of State”; and
- (c) in rule 29.2 (disclosure of information under the Child Support Act 1991), for “Commission”, substitute “Secretary of State”.

(16) S.I. 2010/912.
(17) S.I. 2010/2955.