
DRAFT STATUTORY INSTRUMENTS

2012 No.

FAMILY LAW

CHILD SUPPORT

The Child Support Maintenance Calculation Regulations 2012

Made - - - - - *******

Coming into force in accordance with regulation 1

**THE CHILD SUPPORT MAINTENANCE
CALCULATION REGULATIONS 2012**

PART 1

1. Citation and commencement
2. Interpretation
3. Meaning of “calculation decision”
4. Meaning of “latest available tax year”
5. Calculation – information applicable
6. Rounding
7. Service of documents
8. Authorisation of representative

PART 2

9. Applications under section 4 or 7 of the 1991 Act
10. Multiple applications
11. Notice of application

PART 3

CHAPTER 1

12. Initial effective date
13. Effect of variation applied for before a maintenance calculation is made

CHAPTER 2

14. Grounds for revision
15. Late application for a revision
16. Effective date of a revision

CHAPTER 3

17. Grounds for supersession
18. Effective dates for supersession decisions

CHAPTER 4

19. Setting the review date
20. Updating gross weekly income at the review date
21. Updating unearned income at the review date
22. Periodic current income check
23. 25% tolerance for changes outside annual review or periodic current income check

CHAPTER 5

24. Notification – general
25. Notification of a maintenance calculation
26. Notification of a revision or supersession
27. Notification of cessation of a maintenance calculation

CHAPTER 6

28. Decisions involving issues that arise on appeal in other cases
29. Child support appeals involving issues that arise in other cases
30. Tribunal decision made pending outcome of a related appeal
31. Supersession of tribunal decision made in error due to misrepresentation etc.
32. Supersession of look alike case where law reinterpreted by the Upper Tribunal or a court
33. Procedural matters relating to appeals

PART 4

CHAPTER 1

34. The general rule for determining gross weekly income
35. Historic income – general
36. Historic income – the HMRC figure
37. Current income – general
38. Current income as an employee or office-holder

39. Current income from self-employment
40. Deduction for pension contributions relievabale at source
41. Current income from a pension
42. Estimate of current income where insufficient information available

CHAPTER 2

43. Reduced Rate
44. Flat Rate
45. Nil rate
46. Decrease for shared care
47. Assumption as to number of nights of shared care
48. Non-resident parent party to another maintenance arrangement

CHAPTER 3

49. Default rate

CHAPTER 4

50. Parent treated as a non-resident parent in shared care cases
51. Child in care who is allowed to live with their parent
52. Non-resident parent liable to maintain a child of the family or a child abroad
53. Care provided in part by a local authority
54. Care provided for relevant other child by a local authority
55. Child who is a boarder or an in-patient in hospital

PART 5

CHAPTER 1

56. Application for a variation
57. Rejection of an application following preliminary consideration
58. Provision of information
59. Procedure in relation to a variation
60. Factors not taken into account for the purposes of section 28F
61. Procedure on revision or supersession of a previously determined variation
62. Regular payments condition

CHAPTER 2

63. Contact costs
64. Illness or disability of relevant other child
65. Prior debts
66. Boarding school fees
67. Payments in respect of certain mortgages, loans or insurance policies
68. Thresholds

CHAPTER 3

- 69. Non-resident parent with unearned income
- 70. Non-resident parent on a flat rate or nil rate with gross weekly income
- 71. Diversion of income

CHAPTER 4

- 72. Effect on the maintenance calculation – special expenses
- 73. Effect on the maintenance calculation – additional income grounds
- 74. Effect on maintenance calculation – general
- 75. Situations in which a variation previously agreed to may be taken into account in calculating maintenance liability

PART 6

- 76. Meaning of “child” for the purposes of the 1991 Act
- 77. Relevant other child outside Great Britain
- 78. Persons who are not persons with care
Signature

SCHEDULE — APPEALS: PROCEDURAL MATTERS

- 1. Appeal against a decision which has been replaced or revised
- 2. Late appeals
- 3. Notice of Appeal
- 4. Death of a party to an appeal

Explanatory Note