

Status: Point in time view as at 29/11/1999.

Changes to legislation: Child Support Act 1991, Paragraph 2 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 4B

DEPARTURE DIRECTIONS: THE CASES AND CONTROLS

Textual Amendments

- F1** Sch. 4B inserted (14.10.1996 for specified purposes, 2.12.1996 in so far as not already in force) by Child Support Act 1995 (c. 34), ss. 6(2), 30(4), Sch. 2; S.I. 1996/2630, art. 2, Sch. Pts. 1, 2

PART I

THE CASES

Special expenses

- 2 (1) A departure direction may be given with respect to special expenses of the applicant which were not, and could not have been, taken into account in determining the current assessment in accordance with the provisions of, or made under, Part I of Schedule 1.
- (2) In this paragraph “special expenses” means the whole, or any prescribed part, of expenses which fall within a prescribed description of expenses.
- (3) In prescribing descriptions of expenses for the purposes of this paragraph, the Secretary of State may, in particular, make provision with respect to—
- (a) costs incurred in travelling to work;
 - (b) costs incurred by an absent parent in maintaining contact with the child, or with any of the children, with respect to whom he is liable to pay child support maintenance under the current assessment;
 - (c) costs attributable to a long-term illness or disability of the applicant or of a dependant of the applicant;
 - (d) debts incurred, before the absent parent became an absent parent in relation to a child with respect to whom the current assessment was made—
 - (i) for the joint benefit of both parents;
 - (ii) for the benefit of any child with respect to whom the current assessment was made; or
 - (iii) for the benefit of any other child falling within a prescribed category;
 - (e) pre-1993 financial commitments from which it is impossible for the parent concerned to withdraw or from which it would be unreasonable to expect that parent to have to withdraw;
 - (f) costs incurred by a parent in supporting a child who is not his child but who is part of his family.

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- (4) For the purposes of sub-paragraph (3)(c)—
- (a) the question whether one person is a dependant of another shall be determined in accordance with regulations made by the Secretary of State;
 - (b) “disability” and “illness” have such meaning as may be prescribed; and
 - (c) the question whether an illness or disability is long-term shall be determined in accordance with regulations made by the Secretary of State.
- (5) For the purposes of sub-paragraph (3)(e), “pre-1993 financial commitments” means financial commitments of a prescribed kind entered into before 5th April 1993 in any case where—
- (a) a court order of a prescribed kind was in force with respect to the absent parent and the person with care concerned at the time when they were entered into; or
 - (b) an agreement between them of a prescribed kind was in force at that time.
- (6) For the purposes of sub-paragraph (3)(f), a child who is not the child of a particular person is a part of that person’s family in such circumstances as may be prescribed.]

Modifications etc. (not altering text)

- C1** Sch. 4B paras. 2-4 modified by [The Child Support Departure Direction and Consequential Amendments Regulations 1996 \(S.I. 1996/2907\)](#), **reg. 11A** (as substituted (1.6.1999) by [S.I. 1999/1047](#), regs. 1(1), **40**)

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