

Status: Point in time view as at 02/12/2019.

Changes to legislation: Child Support Act 1991, Part I is up to date with all changes known to be in force on or before 06 June 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

APPLICATIONS FOR A VARIATION: THE CASES AND CONTROLS

Textual Amendments

- F1** Sch. 4B substituted (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), ss. 6(2), 86(1)(a)(2), **Sch. 2 Pt. II** (with ss. 28, 83(6)); S.I. 2000/2994, art. 2(1), Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.

Modifications etc. (not altering text)

- C1** Sch. 4B modified (31.1.2001) by [The Child Support \(Variations\) \(Modification of Statutory Provisions\) Regulations 2000 \(S.I. 2000/3173\)](#), regs. 1(1), 2, **8(2)-(5)**

PART I

THE CASES

General

- 1 (1) The cases in which a variation may be agreed are those set out in this Part of this Schedule or in regulations made under this Part.
- (2) In this Schedule “applicant” means the person whose application for a variation is being considered.

Special expenses

- 2 (1) A variation applied for by a non-resident parent may be agreed with respect to his special expenses.
- (2) In this paragraph “special expenses” means the whole, or any amount above a prescribed amount, 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—
- costs incurred by a non-resident parent in maintaining contact with the child, or with any of the children, with respect to whom the application for a maintenance calculation has been made ^{F2}... ;
 - costs attributable to a long-term illness or disability of a relevant other child (within the meaning of paragraph 10C(2) of Schedule 1);

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- (c) debts of a prescribed description incurred, before the non-resident parent became a non-resident parent in relation to a child with respect to whom the maintenance calculation has been applied for ^{F3} ... —
 - (i) for the joint benefit of both parents;
 - (ii) for the benefit of any such child; or
 - (iii) for the benefit of any other child falling within a prescribed category;
 - (d) boarding school fees for a child in relation to whom the application for a maintenance calculation has been made ^{F4} ... ;
 - (e) the cost to the non-resident parent of making payments in relation to a mortgage on the home he and the person with care shared, if he no longer has an interest in it, and she and a child in relation to whom the application for a maintenance calculation has been made ^{F5} ... still live there.
- (4) For the purposes of sub-paragraph (3)(b)—
- (a) “disability” and “illness” have such meaning as may be prescribed; and
 - (b) 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)(d), the Secretary of State may prescribe—
- (a) the meaning of “boarding school fees”; and
 - (b) components of such fees (whether or not itemised as such) which are, or are not, to be taken into account,
- and may provide for estimating any such component.

Textual Amendments

- F2** Words in [Sch. 4B para. 2\(3\)\(a\)](#) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)
- F3** Words in [Sch. 4B para. 2\(3\)\(c\)](#) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)
- F4** Words in [Sch. 4B para. 2\(3\)\(d\)](#) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)
- F5** Words in [Sch. 4B para. 2\(3\)\(e\)](#) repealed (27.10.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 8](#); S.I. 2008/2548, art. 3(d)(i)

Property or capital transfers

- 3 (1) A variation may be agreed in the circumstances set out in sub-paragraph (2) if before 5th April 1993—
- (a) a court order of a prescribed kind was in force with respect to the non-resident parent and either the person with care with respect to the application for the maintenance calculation or the child, or any of the children, with respect to whom that application was made; or
 - (b) an agreement of a prescribed kind between the non-resident parent and any of those persons was in force.
- (2) The circumstances are that in consequence of one or more transfers of property of a prescribed kind and exceeding (singly or in aggregate) a prescribed minimum value—

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- (a) the amount payable by the non-resident parent by way of maintenance was less than would have been the case had that transfer or those transfers not been made; or
 - (b) no amount was payable by the non-resident parent by way of maintenance.
- (3) For the purposes of sub-paragraph (2), “maintenance” means periodical payments of maintenance made (otherwise than under this Act) with respect to the child, or any of the children, with respect to whom the application for a maintenance calculation has been made.

Additional cases

- 4 (1) The Secretary of State may by regulations prescribe other cases in which a variation may be agreed.
- (2) Regulations under this paragraph may, for example, make provision with respect to cases where—
- (a) the non-resident parent has assets which exceed a prescribed value;
 - (b) a person’s lifestyle is inconsistent with his income for the purposes of a calculation made under Part I of Schedule 1;
 - (c) a person has income which is not taken into account in such a calculation;
 - (d) a person has unreasonably reduced the income which is taken into account in such a calculation.]

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