

---

STATUTORY INSTRUMENTS

---

**1992 No. 1815**

**FAMILY LAW**

**CHILD SUPPORT**

**The Child Support (Maintenance Assessments  
and Special Cases) Regulations 1992**

*Made* - - - - - *20th July 1992*

*Coming into force* *5th April 1993*

**THE CHILD SUPPORT (MAINTENANCE ASSESSMENTS  
AND SPECIAL CASES) REGULATIONS 1992**

PART I

GENERAL

1. Citation, commencement and interpretation

PART II

CALCULATION OR ESTIMATION OF CHILD SUPPORT MAINTENANCE

2. Calculation or estimation of amounts
3. Calculation of AG
4. Basic rate of child benefit
5. The general rule
6. The additional element
7. Net income: calculation or estimation of N
8. Net income: calculation or estimation of M
9. Exempt income: calculation or estimation of E
10. Exempt income: calculation or estimation of F
11. Protected income
12. Disposable income
13. The minimum amount
14. Eligible housing costs
15. Amount of housing costs
16. Weekly amount of housing costs
17. Apportionment of housing costs: exempt income
18. Excessive housing costs

**Status:** Point in time view as at 18/12/1995.

**Changes to legislation:** There are currently no known outstanding effects for the *The Child Support (Maintenance Assessments and Special Cases) Regulations 1992*. (See end of Document for details)

### PART III SPECIAL CASES

19. Both parents are absent
  20. Persons treated as absent parents
  21. One parent is absent and the other is treated as absent
  22. Multiple applications relating to an absent parent
  23. Person caring for children of more than one absent parent
  24. Persons with part-time care—not including a person treated as an absent parent
  25. Care provided in part by a local authority
  26. Cases where child support maintenance is not to be payable
  27. Child who is a boarder or an in-patient
  - 27A Child who is allowed to live with his parent under section 23(5) of the Children Act 1989
  28. Amount payable where absent parent is in receipt of income support or other prescribed benefit
- Signature

---

#### SCHEDULE 1 — CALCULATION OF N AND M PART I — EARNINGS

##### Chapter 1

##### Earnings of an employed earner

1. (1) Subject to sub-paragraphs (2) and (3), “earnings” means in...
2. (1) Subject to sub-paragraphs (2) to (4), the amount of...  
Chapter 2 — Earnings of a self-employed earner
3. (1) Subject to sub-paragraphs (2) and (3) and to paragraph...
4. In a case where a person is self-employed as a...
5. (1) Subject to sub-paragraphs (2) to (3)—  
PART II — BENEFIT PAYMENTS
6. (1) The benefit payments to be taken into account in...
7. (1) Where a benefit payment under the Contributions and Benefits...  
PART III — OTHER INCOME
8. The amount of the other income to be taken into...
9. Any periodic payment of pension or other benefit under an...
10. Any payment received on account of the provision of board...
11. Subject to regulation 7(3)(b) and paragraph 12, any payment to...
12. The income of a student shall not include any payment—...
13. Any interest, dividend or other income derived from capital.
14. Any maintenance payments in respect of a parent.
15. Any other payments or other amounts received on a periodical...
16. (1) Subject to sub-paragraphs (2) to (6) the amount of...  
PART IV — INCOME OF CHILD TREATED AS INCOME OF PARENT
17. The amount of any income of a child which is...
18. Where a child has income which falls within the following...
19. Where child support maintenance is being assessed for the support...
20. Where child support maintenance is being assessed to support more...

*Status: Point in time view as at 18/12/1995.*

*Changes to legislation: There are currently no known outstanding effects for the The Child Support (Maintenance Assessments and Special Cases) Regulations 1992. (See end of Document for details)*

21. Where child support maintenance is not being assessed for the...
22. Where a benefit under the Contributions and Benefits Act includes...
23. For the purposes of this Part, “the relevant income of...
24. The amount of the income of a child which is...  
PART V — AMOUNTS TREATED AS THE INCOME OF A PARENT
25. The amounts which fall to be treated as income of...
26. Where a child support officer is satisfied—
27. Subject to paragraphs 28 to 30, where the child support...
28. No amount shall be treated as income by virtue of...
29. Where an amount is included in the income of a...
30. Where a child support officer determines under paragraph 27 that...
31. Where a payment is made on behalf of a parent...
32. Where paragraph 26 applies the amount to be treated as...

#### SCHEDULE 2 — AMOUNTS TO BE DISREGARDED WHEN CALCULATING OR ESTIMATING N and M

1. The amounts referred to in this Schedule are to be...
2. An amount in respect of income tax applicable to the...
3. Where a payment is made in a currency other than...
4. Any amount payable in a country outside the United Kingdom...
5. Any compensation for personal injury and any payments from a...
6. Any advance of earnings or any loan made by an...
7. Any payment by way of, or any reduction or discharge...
8. Any disability living allowance, mobility supplement or any payment intended...
9. Any payment which is— (a) an attendance allowance under section...
10. Any payment under section 148 of the Contributions and Benefits...
11. Any social fund payment within the meaning of Part VIII...
12. Any payment made by the Secretary of State to compensate...
13. Any payment made by the Secretary of State to compensate...
14. Any payment made by the Secretary of State to compensate...
15. Any concessionary payment made to compensate for the non-payment of...
16. Any payments of child benefit to the extent that they...
17. Any payment made under regulations 9 to 11 or 13...
18. Subject to paragraph 20 and to the extent that it...
19. (1) Except where sub-paragraph (2) applies and subject to sub-paragraph...
20. (1) Where, but for this paragraph, more than £10·00 would...
21. In the case of a person participating in arrangements for...
22. Where a parent occupies a dwelling as his home and...
23. Where a parent, who is not a self-employed earner, is...
24. For each week in which a parent provides board and...
25. Any payment made to a person in respect of an...
26. Where a local authority makes a payment in respect of...
27. Any payment received under a policy of insurance taken out...
28. In the calculation of the income of the parent with...
29. Any payment made by a local authority to a person...
30. Any payment made by a health authority, local authority or...
31. Any payment made by a local authority under section 17...
32. Any resettlement benefit which is paid to the parent by...
33. (1) Any payment or repayment made— (a) as respects England...
34. Any payment made (other than a training allowance), whether by...
35. Any contribution to the expenses of maintaining a household which...
36. Any sum in respect of a course of study attended...

*Status: Point in time view as at 18/12/1995.*

*Changes to legislation: There are currently no known outstanding effects for the The Child Support (Maintenance Assessments and Special Cases) Regulations 1992. (See end of Document for details)*

37. Where a person receives income under an annuity purchased with...
38. Any payment of the description specified in paragraph 39 of...
39. Any payment made to a juror or witness in respect...
40. Any special war widows' payment made under—
41. Any payment to a person as holder of the Victoria...
42. Any payment made either by the Secretary of State for...
43. Any amount by way of a refund of income tax...
44. Maintenance payments (whether paid under the Act or otherwise) insofar...
45. Where following a divorce or separation— (a) capital is divided...
46. Except in the case of a self-employed earner, payments in...
47. Any payment made by the Joseph Rowntree Memorial Trust from...
48. Any payment of expenses to a person who is—
- 48A Any guardian's allowance under Part III of the Contributions and...
- 48B Any payment in respect of duties mentioned in paragraph 1(1)(i)...
49. In this Schedule— "concessionary payment" means a payment made under...

#### SCHEDULE 3 — ELIGIBLE HOUSING COSTS

1. Eligible housing costs for the purposes of determining exempt income and protected income
2. Loans for repairs and improvements to the home
- 2A Loans for repairs and improvements in transitional cases
3. Exempt income: additional provisions relating to eligible housing costs
4. Conditions relating to eligible housing costs
5. Accommodation also used for other purposes
6. Ineligible service and fuel charges
7. Interpretation

#### SCHEDULE 3A — AMOUNT TO BE ALLOWED IN RESPECT OF TRANSFER OF PROPERTY

1. Interpretation
2. Evidence to be produced in connection with the allowance for transfers of property
3. Consideration of evidence produced by other parent
4. Computation of qualifying value—business assets and land
5. Computation of qualifying value—cash, deposits and endowment policies
6. Transfer wholly in lieu of periodical payments for relevant child
7. Multiple transfers to related persons
8. Computation of the value of compensation transfers
- 8A (1) This paragraph applies where— (a) the property which is...
9. Computation of relevant value of a qualifying transfer
10. Amount to be allowed in respect of a qualifying transfer
11. This Schedule in its application to Scotland shall have effect...

#### SCHEDULE 3B — AMOUNT TO BE ALLOWED IN RESPECT OF TRAVELLING COSTS

1. Interpretation
2. Computation of amount allowable in respect of travelling costs
3. Computation in cases where there is one relevant employment and one work place in that employment
4. There shall be calculated or, if this is impracticable, estimated—...
5. The results of the calculation or estimate produced by sub-paragraph...
6. The product of the multiplication required by paragraph 5 shall...

**Status:** Point in time view as at 18/12/1995.

**Changes to legislation:** There are currently no known outstanding effects for the *The Child Support (Maintenance Assessments and Special Cases) Regulations 1992*. (See end of Document for details)

7. Where the result of the division required by paragraph 6...
8. Computation in cases where there is more than one work place but only one relevant employment
9. There shall be calculated, or if that is impracticable, estimated—...
10. Subject to paragraph 11, there shall be calculated for each...
11. For the purposes of the calculation required by paragraph 10...
12. The result of the calculation of the number of journeys...
13. All the products of the multiplications required by paragraph 12...
14. Where the result of the division required by paragraph 13...
15. Computation in cases where there is more than one relevant employment
16. There shall be calculated, or if that is impracticable, estimated—...
17. There shall be calculated, or if that is impracticable, estimated...
18. The result of the calculation or estimate of the number...
19. All the products of the multiplications required by paragraph 18,...
20. Where the result of the division required by paragraph 19,...
21. Relevant employments in respect of which no amount is to be allowed
22. The conditions is that relevant employer provides transport of any...
23. The condition is that the relevant employer bears any part...

#### SCHEDULE 4 — CASES WHERE CHILD SUPPORT MAINTENANCE IS NOT TO BE PAYABLE

The payments and awards specified for the purposes of regulation...

#### SCHEDULE 5 — PROVISIONS APPLYING TO CASES TO WHICH SECTION 43 OF THE ACT AND REGULATION 28 APPLY

1. In this Schedule— (a) “relevant decision” means a decision of...
2. A relevant decision may be reviewed by a child support...
3. A relevant decision made on or before 18th April 1994...
- 3A A relevant decision made after 18th April 1994 shall be...
4. (1) Before conducting a review under paragraph 6 the child...
5. After completing a review under paragraph 2, 3 or 6,...
6. Where a child support officer has made a decision under...
7. The modifications to the provisions of section 18(5) to (7)...
- 7A If, on a review under paragraph 2, 3, or 6,...
8. The provisions of section 20 of the Act (appeals) shall...
9. The provisions of paragraphs (1) and (2) of regulation 5...

Explanatory Note

**Status:**

Point in time view as at 18/12/1995.

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support (Maintenance Assessments and Special Cases) Regulations 1992.