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STATUTORY INSTRUMENTS

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**1992 No. 1815**

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

**PART III**

**SPECIAL CASES**

**Amount payable where absent parent is in receipt of income support or other prescribed benefit**

**28.**—(1) Where the condition specified in section 43(1)(a) of the Act is satisfied in relation to an absent parent (assessable income to be nil where income support or other prescribed benefit is paid), the prescribed conditions for the purposes of section 43(1)(b) of the Act are that—

- (a) the absent parent is aged 18 or over;
- (b) he does not satisfy the conditions in paragraph 3 of the relevant Schedule (income support family premium) <sup>[F1]</sup>and does not have day to day care of any child (whether or not a relevant child); and
- (c) <sup>[F2]</sup>his income does not include] one or more of the payments or awards specified in Schedule 4 (other than by reason of a provision preventing receipt of overlapping benefits or by reason of a failure to satisfy the relevant contribution conditions).

(2) For the purposes of section 43(2)(a) of the Act, the prescribed amount shall be equal to the minimum amount prescribed in regulation 13(1) for the purposes of paragraph 7(1) of Schedule 1 to the Act.

<sup>[F3]</sup><sup>[F4]</sup>(3) Subject to paragraph (4), where—

- (a) an absent parent is liable under section 43 of the Act and this regulation to make payments in place of payments of child support maintenance with respect to two or more qualifying children in relation to whom there is more than one parent with care; or
- (b) that absent parent and his partner (within the meaning of regulation 2(1) of the Social Security (Claims and Payments) Regulations 1987) are both liable to make such payments,

the prescribed amount mentioned in paragraph (2) shall be apportioned between the persons with care in the same ratio as the maintenance requirements of the qualifying child or children in relation to each of those persons with care bear to each other.]

(4) If, in making the apportionment required by paragraph (3), the effect of the application of regulation 2(2) would be such that the aggregate amount payable would be different from the amount prescribed in paragraph (2) the Secretary of State shall adjust that apportionment so as to eliminate that difference; and that adjustment shall be varied from time to time so as to secure that, taking one week with another and so far as is practicable, each person with care receives the amount which she would have received if no adjustment had been made under this paragraph.

(5) The provisions of Schedule 5 shall have effect in relation to cases to which section 43 of the Act and this regulation apply.]

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*Status: Point in time view as at 22/01/1996. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The Child Support (Maintenance Assessments and Special Cases) Regulations 1992, Section 28. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Words in reg. 28(1)(b) inserted (5.4.1993) by [The Child Support \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/913\)](#), regs. 1(1), **26(1)(a)**
- F2** Words in reg. 28(1)(c) substituted (5.4.1993) by [The Child Support \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/913\)](#), regs. 1(1), **26(1)(b)**
- F3** Reg. 28(3)-(5) inserted (5.4.1993) by [The Child Support \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/913\)](#), regs. 1(1), **26(2)**
- F4** Reg. 28(3) substituted (26.4.1993) by [The Child Support \(Maintenance Assessments and Special Cases\) Amendment Regulations 1993 \(S.I. 1993/925\)](#), regs. 1, **2(2)**

**Status:**

Point in time view as at 22/01/1996. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support (Maintenance Assessments and Special Cases) Regulations 1992, Section 28.