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STATUTORY INSTRUMENTS

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**1992 No. 1815**

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

**PART II**

**CALCULATION OR ESTIMATION OF CHILD SUPPORT MAINTENANCE**

**Exempt income: calculation or estimation of E**

**9.—(1)** For the purposes of paragraph 5(1) of Schedule 1 to the Act, the amount of E (exempt income of absent parent) shall, subject to paragraphs (3) and (4), be the aggregate of the following amounts—

- (a) an amount equal to the amount specified in column (2) of paragraph 1(1)(e) of the relevant Schedule (income support personal allowance for a single claimant aged not less than 25);
- (b) an amount in respect of housing costs determined in accordance with regulations 14 to [F<sup>1</sup>16 and 18];
- [F<sup>2</sup>(bb) where applicable, an amount in respect of a qualifying transfer of property determined in accordance with Schedule 3A;]
- (c) where—
  - (i) the absent parent is the parent of a relevant child; and
  - [F<sup>3</sup>(ii) if he were a claimant, the rate of income support family premium specified in sub-paragraph (a) of paragraph 3 of the relevant Schedule would be applicable to him because he is a lone parent and no premium is applicable to him under paragraph 11 of that Schedule,]

an amount equal to the amount specified in [F<sup>4</sup>that sub-paragraph];

- (d) where, if the parent were a claimant aged less than 60, the conditions in paragraph 11 of the relevant Schedule (income support disability premium) would be satisfied in respect of him, an amount equal to the amount specified in column (2) of paragraph 15(4)(a) of that Schedule (income support disability premium);
- (e) where—
  - (i) if the parent were a claimant, the conditions in paragraph 13 of the relevant Schedule (income support severe disability premium) would be satisfied, an amount equal to the amount specified in column (2) of paragraph 15(5)(a) of that Schedule (except that no such amount shall be taken into account in the case of an absent parent in respect of whom an invalid care allowance under section 70 of the Contributions and Benefits Act is payable to some other person);
  - (ii) if the parent were a claimant, the conditions in paragraph 14ZA of the relevant Schedule (income support carer premium) would be satisfied in respect of him, an amount equal to the amount specified in column (2) of paragraph 15(7) of that Schedule;

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*Changes to legislation: There are currently no known outstanding effects for the The Child Support (Maintenance Assessments and Special Cases) Regulations 1992, Section 9. (See end of Document for details)*

- (f) where, if the parent were a claimant, the conditions in paragraph 3 of the relevant Schedule (income support family premium) would be satisfied in respect of a relevant child of that parent, [<sup>F5</sup>but he is not a parent to whom sub-paragraph (c) applies], the amount specified in [<sup>F6</sup>sub-paragraph (b) of] that paragraph or, where those conditions would be satisfied only by virtue of the case being one to which paragraph (2) applies, half that amount;
- (g) in respect of each relevant child—
- (i) an amount equal to the amount of the personal allowance for that child, specified in column (2) of paragraph 2 of the relevant Schedule (income support personal allowance) or, where paragraph (2) applies, half that amount;
  - (ii) if the conditions set out in paragraph 14(b) and (c) of the relevant Schedule (income support disabled child premium) are satisfied in respect of that child, an amount equal to the amount specified in column (2) of paragraph 15(6) of the relevant Schedule or, where paragraph (2) applies, half that amount;
- (h) where the absent parent in question or his partner is living in—
- (i) accommodation provided under Part III of the National Assistance Act 1948 <sup>M1</sup>;
  - (ii) accommodation provided under paragraphs 1 and 2 of Schedule 8 to the National Health Service Act 1977 <sup>M2</sup>; or
  - (iii) a nursing home or residential care home,
- the amount of the fees paid in respect of the occupation of that accommodation or, as the case may be, that home [<sup>F7</sup>but where a local authority has determined that the absent parent in question or his partner is entitled to housing benefit in respect of fees for that accommodation or that home, the net amount of such fees after deduction of housing benefit].
- [<sup>F8</sup>(i) where applicable, an amount in respect of travelling costs determined in accordance with Schedule 3B.]
- (2) This paragraph applies where—
- (a) the absent parent has a partner;
  - (b) the absent parent and the partner are parents of the same relevant child; and
  - (c) the income of the partner, calculated under regulation 7(1) [<sup>F9</sup>(but excluding the amount mentioned in sub-paragraph (d) of that regulation)] as if that partner were an absent parent to whom that regulation applied, exceeds the aggregate of—
    - (i) the amount specified in column 2 of paragraph 1(1)(e) of the relevant Schedule (income support personal allowance for a single claimant aged not less than 25);
    - (ii) half the amount of the personal allowance for that child specified in column (2) of paragraph 2 of the relevant Schedule (income support personal allowance);
    - (iii) half the amount of any income support disabled child premium specified in column (2) of paragraph 15(6) of that Schedule in respect of that child; [<sup>F10</sup>and]
    - (iv) half the amount of any income support family premium specified in paragraph [<sup>F11</sup>3(b) of the relevant Schedule] except where such premium is payable irrespective of that child; <sup>F10</sup> ...
  - [<sup>F12</sup>(v) where a departure direction has been given on the grounds that a case falls within regulation 27 of the Departure Direction and Consequential Amendments Regulations (partner's contribution to housing costs), the amount of the housing costs which corresponds to the percentage of the housing costs mentioned in regulation 40(7) of those Regulations.]

<sup>F13</sup>(v) .....

(3) Where an absent parent does not have day to day care of any relevant child for 7 nights each week but does have day to day care of one or more such children for fewer than 7 nights each week, [<sup>F14</sup>any amount] to be taken into account under sub-paragraphs (1)(c) [<sup>F15</sup>or (f)] shall be reduced so that they bear the same proportion to the amounts referred to in those sub-paragraphs as the average number of nights each week in respect of which such care is provided has to 7.

(4) Where an absent parent has day to day care of a relevant child for fewer than 7 nights each week, any amounts to be taken into account under sub-paragraph (1)(g) in respect of such a child shall be reduced so that they bear the same proportion to the amounts referred to in that sub-paragraph as the average number of nights each week in respect of which such care is provided has to 7.

(5) The amounts referred to in paragraph (1) are the amounts applicable at the effective date.

**Textual Amendments**

- F1** Words in reg. 9(1)(b) substituted (5.8.1996) by [The Child Support \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1945\)](#), regs. 1, **19**
- F2** Reg. 9(1)(bb) inserted (18.4.1995) by [The Child Support and Income Support \(Amendment\) Regulations 1995 \(S.I. 1995/1045\)](#), regs. 1(2), **44(2)(a)** (with reg. 62)
- F3** Reg. 9(1)(c)(ii) substituted (19.1.1998) by [The Child Support \(Miscellaneous Amendments\) Regulations 1997 1998 \(S.I. 1998/58\)](#), regs. 1(2), **46(2)** (with reg. 59)
- F4** Words in reg. 9(1)(c) substituted (7.4.1997) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(b), **11(2)(a)(ii)**
- F5** Words in reg. 9(1)(f) substituted (19.1.1998) by [The Child Support \(Miscellaneous Amendments\) Regulations 1997 1998 \(S.I. 1998/58\)](#), regs. 1(3), **46(3)** (with reg. 59)
- F6** Words in reg. 9(1)(f) inserted (7.4.1997) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(b), **11(2)(b)(ii)**
- F7** Words in reg. 9(1)(h) inserted (22.1.1996) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1995 \(S.I. 1995/3261\)](#), regs. 1(2), **42**
- F8** Reg. 9(1)(i) inserted (18.4.1995) by [The Child Support and Income Support \(Amendment\) Regulations 1995 \(S.I. 1995/1045\)](#), regs. 1(2), **44(2)(b)** (with reg. 62)
- F9** Words in reg. 9(2)(c) inserted (5.4.1993) by [The Child Support \(Miscellaneous Amendments\) Regulations 1993 \(S.I. 1993/913\)](#), regs. 1(1), **20**
- F10** Word in reg. 9(2)(c)(iii) inserted and word omitted (18.4.1995) by [The Child Support and Income Support \(Amendment\) Regulations 1995 \(S.I. 1995/1045\)](#), regs. 1(2), **44(3)(i)-(ii)**
- F11** Words in reg. 9(2)(c)(iv) substituted (7.4.1997) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(b), **11(3)**
- F12** Reg. 9(2)(c)(v) added (2.12.1996) by [The Child Support Departure Direction and Consequential Amendments Regulations 1996 \(S.I. 1996/2907\)](#), regs. 1(1), **68(4)**
- F13** Reg. 9(2)(c)(v) and word omitted (18.4.1995) by virtue of [The Child Support and Income Support \(Amendment\) Regulations 1995 \(S.I. 1995/1045\)](#), regs. 1(2), **44(3)(ii)**
- F14** Words in reg. 9(3) substituted (7.4.1997) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(b), **11(4)(a)**
- F15** Words in reg. 9(3) substituted (7.4.1997) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(b), **11(4)(b)**

**Marginal Citations**

- M1** 1948 c.29.
- M2** 1977 c.49.

**Status:**

Point in time view as at 19/01/1998. 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 9.