
STATUTORY INSTRUMENTS

1995 No. 1045

**The Child Support and Income Support
(Amendment) Regulations 1995**

Amendment of regulation 11 of the Collection and Enforcement Regulations **E+W+S**

17.—(1) Regulation 11 of the Collection and Enforcement Regulations (protected earnings rate) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (2), after the word “shall” there shall be inserted the words, “ except where paragraph (3) or paragraph (4) applies,”

(3) At the end of the regulation there shall be added the following paragraphs—

“(3) Where an interim maintenance assessment is in force the protected earnings rate shall be—

(a) where there is some knowledge of the liable person’s circumstances, the aggregate of the following amounts at the date of the making of the assessment—

(i) the personal allowance applicable by virtue of paragraph 1(1)(e) of Schedule 2 to the Income Support (General) Regulations 1987 ^{M1} (in this paragraph referred to as “the relevant Schedule”) or if he is known to have a partner, that applicable for a couple under paragraph 1(3)(c) of that Schedule;

(ii) the personal allowance applicable by virtue of the relevant Schedule in respect of any child or young person who is known to be living with the relevant person (and where the age of the child or young person is not known it shall be assumed to be less than 11);

(iii) the amount of any premium applicable by virtue of the relevant Schedule which is known to be applicable in the circumstances of the case; and

(iv) £30;

(b) in any other case the personal allowance specified in paragraph 1(1)(e) of the relevant Schedule at the date mentioned in sub-paragraph (a), plus £30.

(4) Where there is a liability to make payments of child support maintenance but no maintenance assessment is in force, the protected earnings rate shall be—

(a) except where the last maintenance assessment was an interim maintenance assessment of Category A or Category C—

(i) where the absent parent produces evidence sufficient to satisfy the child support officer that his circumstances have changed since the last assessment or review under section 16, 17, 18 or 19 of the Act, a figure equal to the figure that would be his exempt income if the assessment were then being reviewed; or

(ii) in any other case an amount equal to the amount of exempt income produced by the last assessment or review under section 16, 17, 18 or 19 of the Act applicable in his case;

Changes to legislation: There are currently no known outstanding effects for the The Child Support and Income Support (Amendment) Regulations 1995, Section 17. (See end of Document for details)

- (b) in the case of an interim maintenance assessment of Category A or Category C, the amount produced by the application of the provisions of paragraph (3) above in his case.”

Marginal Citations

M1 [S.I. 1987/1967](#). Relevant amending instruments are 1988/663, 1989/1678.

Changes to legislation:

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