
STATUTORY INSTRUMENTS

1996 No. 2907

The Child Support Departure Direction and Consequential Amendments Regulations 1996

[^{F1}PART X

MISCELLANEOUS

Textual Amendments

- F1** Instrument Regulations revoked (coming into force in accordance with reg. 1(4) of the amending S.I.) by [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendment\) Regulations 2012 \(S.I. 2012/2785\)](#), [reg. 10\(d\)](#)

Regular payments condition

45.—(1) For the purposes of section 28C(2)(b) of the Act (regular payments condition—reduced payments), reduced payments shall, subject to paragraph (3), be such payments as would be equal to the payments of child support maintenance fixed by the fresh maintenance assessment that would be made if the circumstances of the case were those set out in paragraph (2).

(2) The circumstances referred to in paragraph (1) are—

- (a) the Secretary of State is satisfied that the case is one which falls within paragraph 2 of Schedule 4B to the Act (special expenses);
- (b) the Secretary of State is satisfied that the expenses claimed by the absent parent are both being incurred and, for a case falling within regulation 13 (costs incurred in travelling to work), 14 (contact costs) or 15 (illness or disability), are neither unreasonably high nor being unreasonably incurred, and that it is just and equitable to give a departure direction in respect of the whole of those expenses; and
- (c) a departure direction is given in response to the application.

(3) Where the Secretary of State considers it likely that the expenses incurred by the absent parent are lower than those claimed by him or are not reasonably incurred, he may fix such amount as he considers to be reasonable in all the circumstances of the case.

(4) Where the absent parent, following written notice under section 28C(8) of the Act, fails within 28 days of that notice to comply with the regular payments condition that was imposed on him, the application shall lapse.

Special case—departure direction having effect from date earlier than effective date of current assessment

46.—(1) A case shall be treated as a special case for the purposes of the Act if the conditions specified in paragraph (2) are satisfied.

(2) The conditions are—

- (a) liability to pay child support maintenance commenced earlier than the effective date of the maintenance assessment in force (“the current assessment”);
- (b) an application is made ^{F2}... in relation to the current assessment which results in a departure direction being given in respect of that assessment [^{F3}or, where regulation 11A (meaning of “current assessment” for the purposes of the Act) applies, in respect of the fresh maintenance assessment referred to in that regulation];
- (c) the applicant was unable to make an application on a date falling within a period in respect of which an earlier assessment had effect because he had not been notified of that earlier assessment during that period; and
- (d) if the applicant had been able to make such an application and had done so, the Secretary of State is satisfied that a departure direction would have been given in response to that application.

(3) Where a case falls within paragraph (2), references to “the current assessment” and “the current amount” in these Regulations shall be construed as including references to an earlier assessment falling within paragraph (2)(c) and to the amount of child support maintenance fixed by it, and these Regulations shall be applied to such an earlier assessment accordingly.

Textual Amendments

- F2** Words in reg. 46(2)(b) omitted (27.10.2008) by virtue of [The Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, 3
- F3** Words in reg. 46(2)(b) added (19.1.1998) by [The Child Support \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/58\)](#), regs. 1(2), 28 (with reg. 59)

[^{F4}Cases to which regulation 11A applies

46A.—(1) A case where the conditions set out in paragraphs (a) [^{F5}and (b)] of regulation 11A (meaning of “current assessment” for the purposes of the Act) are satisfied shall be treated as a special case for the purposes of the Act.

(2) Where a case falls within paragraph (1), references to “the current assessment” and “the current amount” in these Regulations shall, subject to paragraph (3), be construed as including reference to the fresh maintenance assessment referred to in regulation 11A.

(3) Paragraph (2) shall not apply to references to “the current assessment” in regulation 32, with the exception of the reference in paragraph (1)(a) of that regulation, and in regulations 46, 49 and 50.]]

Textual Amendments

- F4** Reg. 46A inserted (19.1.1998) by [The Child Support \(Miscellaneous Amendments\) Regulations 1998 \(S.I. 1998/58\)](#), regs. 1(2), 29 (with reg. 59)
- F5** Words in reg. 46A(1) substituted (1.6.1999) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/1047\)](#), regs. 1(1), 51

Changes to legislation:

There are currently no known outstanding effects for the The Child Support Departure Direction and Consequential Amendments Regulations 1996, PART X.