
STATUTORY INSTRUMENTS

1996 No. 635

**The Child Support Departure Direction
(Anticipatory Application) Regulations 1996**

PART III

Special expenses

Illness or disability

15.—(1) Subject to paragraphs (2) and (3), the costs incurred in respect of the items listed in sub-paragraphs (a) to (m), which arise from long-term illness or disability of the applicant or a dependant of that applicant and which are in excess of the costs which would be incurred if that illness or disability did not exist shall constitute special expenses for the purposes of paragraph 2(2) of Schedule 4B to the Act—

- (a) personal care and attendance;
- (b) personal communication needs;
- (c) mobility;
- (d) domestic help;
- (e) medical aids where these cannot be provided under the health service;
- (f) heating;
- (g) clothing;
- (h) laundry requirements;
- (i) payments for food essential to comply with a diet recommended by a medical practitioner;
- (j) adaptations required to the applicant's home;
- (k) day care;
- (l) rehabilitation; or
- (m) respite care.

(2) Where the Secretary of State considers any costs referred to in paragraph (1) to be unreasonably high or to have been unreasonably incurred, he may substitute such lower amount as he considers reasonable, including a nil amount.

(3) Where—

- (a) an applicant or his dependant has, at the date an application is made, received, or at that date is in receipt of, financial assistance from any source in respect of his long-term illness or disability or that of his dependent; or
- (b) that applicant or his dependant is adjudged eligible for either of the allowances referred to in paragraph (4),

only the net amount of the costs incurred in respect of the items listed in paragraph (1), after the deduction of the financial assistance referred to in sub-paragraph (a) and, where applicable, the

allowance referred to in sub-paragraph (b) shall constitute special expenses for the purposes of paragraph 2(2) of Schedule 4B to the Act.

(4) Where an application is made with respect to special expenses falling within paragraph (1), and the Secretary of State considers that the applicant or his dependant may be entitled to disability living allowance under section 71 of the Contributions and Benefits Act or attendance allowance under section 64 of that Act, that application shall not be determined until a decision has been made by the adjudicating authority on the eligibility for that allowance of that applicant or that dependant.

(5) For the purposes of this regulation, a dependant of an applicant shall be—

(a) where the applicant is an absent parent—

(i) the partner of that absent parent;

(ii) any child of whom that absent parent or his partner is a parent and who lives with them; or

(b) where the applicant is a parent with care—

(i) the partner of that parent with care;

(ii) any child of whom that parent with care or her partner is a parent and who lives with them, except any child in respect of whom the absent parent against whom the current assessment is made is the parent.

(6) For the purposes of this regulation—

(a) a person is disabled if he is blind, deaf or dumb or is substantially or permanently handicapped by illness, injury, mental disorder or congenital deformity;

(b) “long-term illness” means an illness from which the applicant or his dependant is suffering at the date of the application and which is likely to last for at least 52 weeks in total from that date or if likely to be shorter than 52 weeks, for the rest of the life of that applicant or his dependant;

(c) “the health service” has the same meaning as in section 128 of the National Health Service Act 1977(1).