
STATUTORY INSTRUMENTS

2000 No. 3186

The Child Support (Transitional Provisions) Regulations 2000

PART III

AMOUNT PAYABLE FOLLOWING CONVERSION DECISION

Amount of child support maintenance payable

9.—(1) [^{F1}Subject to regulation 9A, where] a decision of the Secretary of State is made as provided in regulation 3(1)(a) or (b), the amount of child support maintenance payable by the non-resident parent shall, on and from the case conversion date, including but not limited to those cases referred to in regulation 14, be the new amount, [^{F2}unless—

- (a) regulation 10 applies, in which case it shall be a transitional amount as provided for in regulations 11 and 17 to 28; or
- (b) regulation 12 or 13 applies, in which case it shall be a transitional amount as provided for in those regulations.]

(2) Where a decision under regulation 3(1)(c) relates to a Category B or C interim maintenance assessment, [^{F3}regulations 10 to 14 and 16 to 28] shall apply as if references to a maintenance assessment included references to such an interim maintenance assessment.

(3) In this regulation the reference to Category B or C interim maintenance assessments, and in regulation 14 the reference to Category A or D interim maintenance assessments, are to those assessments within the meaning given in regulation 8(3) of the Assessment Procedure Regulations.

Textual Amendments

- F1** Words in reg. 9(1) substituted (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **8(6)**
- F2** Words in reg. 9(1) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(3)(a)**
- F3** Words in reg. 9(2) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(3)(b)**

[^{F4}Adjustment of the amount of child support maintenance payable

9A.—(1) Subject to paragraph (2), where—

- (a) there has been an overpayment of child support maintenance under a maintenance assessment; and
- (b) the amount payable under that maintenance assessment has been adjusted under regulation 10 of the Arrears, Interest and Adjustment Regulations as it applies to a maintenance assessment,

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that adjustment shall apply to the new amount or the transitional amount in the conversion decision, as the case may be, if—

- (i) the overpayment remains on the case conversion date; and
- (ii) the Secretary of State considers it appropriate in all the circumstances of the case having regard to the matters set out in regulation 10(1)(b) of the Arrears, Interest and Adjustment Regulations as it applies to a conversion decision.

(2) Where the conversion decision relates to more than one parent with care, the adjustment of the amount payable under a maintenance assessment which applies to the new amount or the transitional amount, as the case may be, in accordance with paragraph (1) shall only apply in respect of the apportioned amount payable to the parent with care in relation to whom the maintenance assessment subject to the adjustment was made.

(3) In paragraph (2) the “apportioned amount” shall have the meaning given in regulation 11(4).

Textual Amendments

F4 Regs. 9A-9B inserted (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **8(7)**

Attribution of payments

9B.—(1) Where—

- (a) there are arrears of child support maintenance under a maintenance assessment; and
- (b) the Secretary of State has attributed any payment of child support maintenance made by an absent parent to child support maintenance due as he thinks fit, in accordance with regulation 9 of the Arrears, Interest and Adjustment Regulations as it applies to a maintenance assessment,

that attribution of payments shall apply to the new amount or the transitional amount in the conversion decision, as the case may be, if—

- (i) the arrears remain on the case conversion date; and
- (ii) the Secretary of State has made that attribution of payments as he thought fit, in accordance with regulation 9 of the Arrears, Interest and Adjustment Regulations as it applies to a conversion decision.]

Textual Amendments

F4 Regs. 9A-9B inserted (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **8(7)**

Circumstances in which a transitional amount is payable

10. This regulation applies where the new amount is a basic or reduced rate [^{F5}, an amount calculated under regulation 22 [^{F6}, an amount calculated under regulation 26 of the Variations Regulations]] or, except where regulation 12, 13 or 14 applies, a flat rate of child support maintenance; and

- (a) the former assessment amount is greater than the new amount and when the former assessment amount is decreased by the phasing amount, the resulting figure is greater than the new amount; or

- (b) the former assessment amount is less than the new amount and when the former assessment amount is increased by the phasing amount, the resulting figure is less than the new amount.

Textual Amendments

- F5** Words in reg. 10 inserted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(4)**
- F6** Words in reg. 10 inserted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(4)**

Transitional amount—basic, reduced and most flat rate cases

11.—(1) Subject to [^{F7}paragraphs (2) and (3)] and regulation 25, in cases to which regulation 10 applies the transitional amount is the former assessment amount decreased, where that amount is greater than the new amount, or increased, where the latter amount is the greater, by the phasing amount.

[^{F8}(2) Subject to paragraph (3), where regulation 10 applies and there is at the calculation date more than one maintenance assessment in relation to the same absent parent, which has the meaning given in the former Act, the amount of child support maintenance payable from the case conversion date in respect of each person with care shall be determined by applying regulation 10 and paragraph (1) as if—

- (a) the references to the new amount were to the apportioned amount payable in respect of the person with care; and
- (b) the references to the former assessment amount were to that amount in respect of that person with care.

(3) Where regulation 10 applies and a conversion decision is made in a circumstance to which regulation 15(3C) applies, the amount of child support maintenance payable from the case conversion date—

- (a) to a person with care in respect of whom an application for a maintenance calculation has been made ^{F9}... which is of a type referred to in regulation 15(3C)(b), shall be the apportioned amount payable in respect of that person with care; and
- (b) in respect of any other person with care, shall be determined by applying regulation 10 and paragraph (1) as if the references to the new amount were to the apportioned amount payable in respect of that person with care and the references to the former assessment amount were to that amount in respect of that person with care.

(4) In this regulation, “apportioned amount” means the amount payable in respect of a person with care calculated as provided in Part I of Schedule 1 to the Act and Regulations made under that Part and, where applicable, regulations 17 to 23 and Part IV of these Regulations.]

Textual Amendments

- F7** Words in reg. 11(1) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(5)(a)**
- F8** Reg. 11(2)-(4) substituted for reg. 11(2) (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(5)(b)**
- F9** Words in reg. 11(3)(a) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **6**

Transitional amount in flat rate cases

12.—(1) Except where the former assessment amount is nil, where the new amount would be the first prescribed amount but is nil owing to the application of paragraph 8 of Part I of Schedule 1 to the Act the amount of child support maintenance payable for the year commencing on the case conversion date shall be a transitional amount equivalent to the second prescribed amount and thereafter shall be the new amount^{F10}....

(2) Except where the former assessment amount is nil, where the new amount would be the second prescribed amount but is nil owing to the application of paragraph 8 of Part I of Schedule 1 to the Act the amount of child support maintenance payable for the year commencing on the case conversion date shall be a transitional amount equivalent to half the second prescribed amount and thereafter shall be the new amount^{F10}....

(3) Where—

- (a) a non-resident parent has more than one qualifying child and in relation to them there is more than one person with care; and
- (b) the amount of child support maintenance payable from the case conversion date to one or some of those persons with care, but not all of them, would be nil owing to the application of paragraph 8 of Part I of Schedule 1 to the Act,

the amount of child support maintenance payable by the non-resident parent from the case conversion date shall be the new amount, apportioned [^{F11}among the persons with care, other than any in respect of whom paragraph 8 of Part I of Schedule 1 to the Act applies, in accordance with paragraph 6(2) of that Schedule, unless paragraph (4) or (5) applies.]

(4) Subject to paragraph (6), where the former assessment amount is less than the new amount by an amount which is more than the second prescribed amount or, where paragraph 4(2) of Part I of Schedule 1 to the Act applies to the non-resident parent, half the second prescribed amount, the amount of child support maintenance payable by the non-resident parent shall be as provided in paragraph (1) where paragraph 4(1)(b)[^{F12}or (c)] of Part I of Schedule 1 to the Act applies, and as provided in paragraph (2) where paragraph 4(2) of that Schedule applies.

(5) Subject to paragraph (6), where the former assessment amount is greater than the new amount the amount of child support maintenance payable by the non-resident parent shall be the new amount unless the new amount is less than the second prescribed amount or, where paragraph 4(2) of Part I of Schedule 1 to the Act applies to the non-resident parent, half the second prescribed amount, in which case the amount of child support maintenance payable by the non-resident parent shall be as provided in paragraph (1) where paragraph 4(1)(b) [^{F12}or (c)]of Part I of Schedule 1 to the Act applies, and as provided in paragraph (2) where paragraph 4(2) of that Schedule applies.

[^{F13}(6) Where paragraph (4) or (5) applies, the transitional amount shall be apportioned among the persons with care, other than any in respect of whom the former assessment amount is nil and paragraph 8 of Part I of Schedule 1 to the Act applies, in accordance with paragraph 6(2) of that Schedule.]

(7) In this regulation “former assessment amount” means, in relation to a non-resident parent in respect of whom there is in force on the calculation date more than one maintenance assessment, the aggregate of the amounts payable under those assessments, and ^{F14}... includes the amount payable where section 43 of the former Act (contribution to maintenance) applies to the non-resident parent.

Textual Amendments

- F10** Word in reg. 12(1)-(2) omitted (30.4.2002) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(5)(a)**

- F11** Words in reg. 12(3) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(5)(b)**
- F12** Words in reg. 12(4)-(5) inserted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(5)(c)**
- F13** Reg. 12(6) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(5)(d)**
- F14** Words in reg. 12(7) omitted (30.4.2002) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(5)(e)**

Transitional amount—certain flat rate cases

13.—^{F15}(1) Where paragraph 4(2) of Part I of Schedule 1 to the Act applies and the former assessment amount is nil, the amount of child support maintenance payable for the year beginning on the case conversion date shall be a transitional amount equivalent to half the second prescribed amount and thereafter shall not be a transitional amount but shall be the new amount.

^{F16}(2) Where paragraph 4(1)(b) or (c) of Part I of Schedule 1 to the Act applies and the former assessment amount is nil, the amount of child support maintenance payable for the year beginning on the case conversion date shall be a transitional amount equivalent to half the first prescribed amount and thereafter shall not be a transitional amount but shall be the new amount.]

Textual Amendments

- F15** Reg. 13 renumbered as para. (1) (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), 8(6)
- F16** Reg. 13(2) inserted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), 8(6)

Certain cases where the new amount is payable

14. The amount of child support maintenance which the non-resident parent is liable to pay on and from the case conversion date is the new amount where—

- (a) the application for the maintenance assessment referred to in regulation 3(1)(a) is determined after the case conversion date, except in a case to which regulation 28(1) applies;
- (b) the former assessment amount is more than nil, including where section 43 of the former Act (contribution to maintenance) applies to the non-resident parent and the new amount is the first or second prescribed amount;
- (c) the new amount is the nil rate under paragraph 5 of Part I of Schedule 1 to the Act; ^{F17}...
- (d) the former assessment amount is nil and the new amount is nil owing to the application of paragraph 8 of Part I of Schedule 1 (flat rate plus shared care) to the Act; or
- (e) a decision under regulation 3(1)(c) relates to a Category A or D interim maintenance assessment or a decision is made under regulation 3(4).

Textual Amendments

- F17** Word in reg. 14(c) omitted (30.4.2002) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(7)**

Case conversion date

15.—(1) Subject to [^{F18}paragraphs (2) to (3G)], the case conversion date is the beginning of the first maintenance period on or after the conversion date.

(2) Where, on or after the commencement date, there is a maintenance assessment in force and a maintenance calculation is made to which paragraph (3) [^{F19}or (3A)]applies, the case conversion date for the maintenance assessment [^{F20}is] the beginning of the first maintenance period on or after the effective date of the related maintenance calculation.

[^{F21}(3) This paragraph applies where the maintenance calculation is made with respect to a relevant person who is a relevant person in relation to the maintenance assessment whether or not with respect to a different qualifying child.

(3A) This paragraph applies where the maintenance calculation is made in relation to a partner (“A”) of a person (“B”) who is a relevant person in relation to the maintenance assessment and—

- (a) A or B is in receipt of a prescribed benefit; and
- (b) [^{F22}A is the non-resident parent in relation to the maintenance calculation and B is the absent parent in relation to the maintenance assessment.]

(3B) The case conversion date of a conversion decision made where paragraph (3C) applies is the beginning of the first maintenance period on or after the date of notification of the conversion decision.

(3C) This paragraph applies where on or after the commencement date—

- (a) there is a maintenance assessment in force;
- (b) an application is made ^{F23}... which, but for the maintenance assessment, would result in a maintenance calculation being made with an effective date before the conversion date;
- (c) the non-resident parent in relation to the application referred to in sub-paragraph (b) is the absent parent in relation to the maintenance assessment referred to in sub-paragraph (a); and
- (d) the person with care in relation to the application referred to in sub-paragraph (b) is a different person to the person with care in relation to the maintenance assessment referred to in sub-paragraph (a).

(3D) The case conversion date of a conversion decision made where paragraph (3E) applies is the beginning of the first maintenance period on or after the date on which the superseding decision referred to in paragraph (3E)(d) takes effect.

(3E) This paragraph applies where on or after the commencement date—

- (a) a maintenance assessment is in force in relation to a person (“C”) and a maintenance calculation is in force in relation to another person (“D”);
- (b) C or D is in receipt of a prescribed benefit;
- (c) either—
 - (i) C is the absent parent in relation to the maintenance assessment and D is the non-resident parent in relation to the maintenance calculation; or
 - (ii) C is the person with care in relation to the maintenance assessment and D is the person with care in relation to the maintenance calculation; and

(3F) The case conversion date of a conversion decision made where paragraph (3G) applies is the beginning of the first maintenance period on or after the date from which entitlement to the prescribed benefit referred to in paragraph (3G)(c) begins.

(3G) This paragraph applies where on or after the commencement date—

- (a) a person (“E”) in respect of whom a maintenance assessment is in force is the partner of another person (“F”) in respect of whom a maintenance calculation is in force;
- (b) either—
- (i) E is the absent parent in relation to the maintenance assessment and F is the non-resident parent in relation to the maintenance calculation; or
- (ii) E is the person with care in relation to the maintenance assessment and F is the person with care in relation to the maintenance calculation; and
- (c) E and F become entitled to a prescribed benefit as partners.]
- (4) In [^{F24}this regulation]—
- [^{F25}“absent parent” has the meaning given in the former Act;]
- [^{F26}“maintenance assessment” has the meaning given in section 54 of the former Act;]
- “relevant person” means, in relation to a maintenance assessment, the absent parent,^{F27} ..., or person with care and, in relation to a maintenance calculation, the non-resident parent or person with care; and
- “prescribed benefit” means a benefit prescribed for the purposes of paragraph 4(1)(c) of Part I of Schedule 1 to the Act.

Textual Amendments

- F18** Words in reg. 15(1) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(6)(a)**
- F19** Words in reg. 15(2) inserted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(6)(b)(i)**
- F20** Word in reg. 15(2) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(6)(b)(ii)**
- F21** Reg. 15(3)-(3G) substituted for reg. 15(3) (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(6)(c)**
- F22** Reg. 15(3A)(b) substituted (27.10.2008) by [Child Support \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/2544\)](#), regs. 1(1), 7
- F23** Words in reg. 15(3C)(b) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, 6
- F24** Words in reg. 15(4) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(8)(a)**
- F25** Words in reg. 15(4) inserted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(6)(d)(i)**
- F26** Words in reg. 15(4) inserted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(8)(b)**
- F27** Words in reg. 15(4) omitted (21.2.2003) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(6)(d)(ii)**

Conversion calculation and conversion decision

- 16.**—(1) A conversion calculation by the Secretary of State shall be made—
- (a) in accordance with Part I of Schedule 1 to the Act;
- [^{F28}(b) taking into account the information used in accordance with regulation 3(2); and]
- (c) taking into account any relevant departure direction or any relevant property transfer as provided in regulations 17 to [^{F29}23A].

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(2) A conversion decision shall be treated for the purposes of any revision, supersession, appeal or application for a variation under sections 16, 17, 20 or 28G^{M1} of the Act, and Regulations made in connection with such matters, as a decision under section 11 of the Act^{M2} made with effect from the date of notification of that decision and, where a conversion decision has been made, the case shall for those purposes be treated as if there were a maintenance calculation in force.

[^{F30}(2A) For the purposes of sections 29 to 41B of the Act and regulations made under or by virtue of those sections, a conversion decision shall be treated on or after the case conversion date as if it were a maintenance calculation.]

[^{F31}(2B) For the purposes of regulation 2 of the Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations 1996 (interpretation for the purposes of section 74A of the Social Security Administration Act 1992), a conversion decision shall be treated on or after the case conversion date as if it were a maintenance calculation.]

[^{F32}(2C) For the purposes of regulations 9 and 10 of the Arrears, Interest and Adjustment Regulations, a conversion decision shall be treated on or after the case conversion date as if it were a maintenance calculation.]

(3) A [^{F33}conversion decision] shall become a maintenance calculation when the transitional period ends or, if later, any relevant property transfer taken into account in [^{F34}the conversion calculation] ceases to have effect.

Textual Amendments

- F28** Reg. 16(1)(b) substituted (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **8(8)(a)**
- F29** Word in reg. 16(1)(c) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(7)(a)**
- F30** Reg. 16(2A) inserted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(7)(b)**
- F31** Reg. 16(2B) inserted (3.3.2003) by [The Child Support \(Transitional Provision\)\(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/347\)](#), regs. 1, **3**
- F32** 16(2)C added (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **8(8)(b)**
- F33** Words in reg. 16(3) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(7)(c)(i)**
- F34** Words in reg. 16(3) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(7)(c)(ii)**

Marginal Citations

- M1** Section 28G is substituted by section 7 of the Child Support, Pensions and Social Security Act 2000.
- M2** Section 11 is substituted by section 1 of the Child Support, Pensions and Social Security Act 2000.

Relevant departure [^{F35}direction] and relevant property transfer

17.—(1) A relevant departure direction means a departure direction given in relation to the maintenance assessment which is the subject of the conversion decision where that direction was given under the provisions of the former Act and Regulations made under that Act, and where it is one to which one of the following paragraphs of this regulation applies.

(2) This paragraph applies to a departure direction given on the special expenses grounds in paragraph 2(3)(b) (contact costs) or 2(3)(d) (debts) of Schedule 4B to the former Act^{M3} where and to the extent that they exceed the threshold amount which is—

- (a) £15 per week where the expenses fall within only one of those paragraphs and, where the expenses fall within both paragraphs, £15 per week in respect of the aggregate of those expenses, where the net weekly income is £200 or more; or
- (b) £10 per week where the expenses fall within only one of those paragraphs and, where the expenses fall within both paragraphs, £10 per week in respect of the aggregate of those expenses, where the net weekly income is below £200,

and for this purpose "net weekly income" means the income which would otherwise be taken into account for the purposes of the conversion decision including any additional income which falls to be taken into account under regulation 20.

(3) This paragraph applies to a departure direction given on the ground in paragraph 2(3)(c) (illness and disability costs) of Schedule 4B to the former Act where the illness or disability is of a relevant other child.

(4) This paragraph applies to a departure direction given on the ground in paragraph 3 (property or capital transfer) of Schedule 4B to the former Act.

(5) Subject to paragraph (6), this paragraph applies to a departure direction given on the additional cases grounds in paragraph 5(1) of Schedule 4B to the former Act and regulation 24 (diversion of income) of the Departure Regulations or paragraph 5(2)(b) of Schedule 4B to the former Act and regulation 25 (life-style inconsistent with declared income) of those Regulations.

[^{F36}(6) Where, but for the application of a relevant departure direction referred to in paragraph (5), the new amount would be—

- (a) the first prescribed amount owing to the application of paragraph 4(1)(b) of Part I of Schedule 1 to the Act;
- (b) the amount referred to in sub-paragraph (a), but is less than that amount or is nil, owing to the application of paragraph 8 of that Part; or
- (c) the nil rate under paragraph 5(a) of that Part,

paragraph (5) applies where the amount of the additional income exceeds £100.]

(7) This paragraph applies to a departure direction given on the ground in paragraph 5(2)(a) of Schedule 4B to the former Act (assets capable of producing income) where the value of the assets taken into account is greater than £65,000.

(8) A relevant property transfer is a transfer which was taken into account in the decision as to the maintenance assessment in respect of which the conversion decision is made owing to the application of Schedule 3A to the Assessment Calculation Regulations.

(9) Where—

- (a) a relevant departure direction is taken into account for the purposes of a conversion calculation; or
- (b) a subsequent decision is made following the application of a relevant departure direction to a maintenance assessment,

the relevant departure direction shall for the purposes of any subsequent decision, including the subsequent decision in paragraph (b), be a variation as if an application had been made under section 28G of the Act for a variation in relation to the same ground and for the same amount.

[^{F37}(10) Where—

- (a) a relevant property transfer is taken into account for the purposes of a conversion decision;
- (b) an application is made for a variation of a type referred to in paragraph 3 of Schedule 4B to the Act and Part IV of the Variations Regulations (property or capital transfers) which relates to the same property or capital transfer as the relevant property transfer referred to in sub-paragraph (a); and

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(c) the variation is agreed to,
the relevant property transfer shall cease to have effect on the effective date of the subsequent decision which resulted from the application for a variation.]

Textual Amendments

- F35** Word in reg. 17 substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#) , regs. 3(a) , **8(9)(a)**
- F36** Reg. 17(6) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#) , regs. 3(a) , **8(9)(b)**
- F37** Reg. 17(10) added (5.11.2003) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 2003 \(S.I. 2003/2779\)](#) , regs. 1 , **7(4)**

Marginal Citations

- M3** Schedule 4B is substituted by section 6(2) of, and Schedule 2 to, the Child Support, Pensions and Social Security

Effect on conversion calculation—special expenses

18.—(1) Subject to paragraph (2) and regulations 22 and 23, where the relevant departure direction is one falling within paragraph (2) or (3) of regulation 17, effect shall be given to the relevant departure direction in the conversion calculation by deducting from the net weekly income of the non-resident parent the weekly amount of that departure direction and for this purpose “net weekly income” has the meaning given in regulation 17(2).

(2) Where the income which, but for the application of this paragraph, would be taken into account in the conversion decision is the capped amount and the relevant departure direction is one falling within paragraph (2) or (3) of regulation 17 then—

- (a) the weekly amount of the expenses shall first be deducted from the net weekly income of the non-resident parent which, but for the application of the capped amount, would be taken into account in the conversion decision including any additional income to be taken into account as a result of the application of paragraphs (5) or (7) of regulation 17 (additional cases);
- (b) the amount by which the capped amount exceeds the figure calculated under sub-paragraph (a) shall be calculated; and
- (c) effect shall be given to the relevant departure direction in the conversion calculation by deducting from the capped amount the amount calculated under sub-paragraph (b).

Effect on conversion calculation—property or capital transfer

19. Subject to regulation 23, where the relevant departure direction is one falling within paragraph (4) of regulation 17—

- (a) the conversion calculation shall be carried out in accordance with regulation 16(1) and, where there is more than one person with care in relation to the non-resident parent, the amount of child support maintenance resulting shall be apportioned among the persons with care as provided in paragraph 6 of Part I of Schedule 1 to the Act and Regulations made under that Part; and
- (b) the equivalent weekly value of the transfer to which the relevant departure direction relates shall be deducted from the amount of child support maintenance which the non-resident parent would otherwise be liable to pay to the person with care with respect to whom the transfer was made.

Effect on conversion calculation—additional cases

20. Subject to regulations 22 and 23, where the relevant departure direction is one falling within paragraph (5) or (7) of regulation 17 (additional cases), effect shall be given to the relevant departure direction in the conversion calculation by increasing the net weekly income of the non-resident parent which would otherwise be taken into account by the weekly amount of the additional income except that, where the amount of net weekly income calculated in this way would exceed the capped amount, the amount of net weekly income taken into account shall be the capped amount.

Effect on conversion calculation—relevant property transfer

21.—(1) Subject to paragraph (2) and [^{F38}regulations 23 and 23A], a relevant property transfer shall be given effect by deducting from the net weekly income of the non-resident parent which would otherwise be taken into account the amount in relation to the relevant property transfer and for this purpose “net weekly income” has the meaning given in regulation 17(2) but after deduction in respect of any relevant departure direction falling within paragraph (2) or (3) of regulation 17 (special expenses).

(2) Where the net weekly income of the non-resident parent which is taken into account for the purposes of the conversion calculation is the capped amount, a relevant property transfer shall be given effect by deducting the amount in respect of the transfer from the capped amount.

Textual Amendments

F38 Words in reg. 21(1) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(10)**

Effect on conversion calculation—maximum amount payable where relevant departure direction is on additional cases ground

22.—(1) Subject to regulation 23, where this regulation applies [^{F39}the new amount] shall be whichever is the lesser of—

- [^{F40}(a) a weekly amount calculated by aggregating the first prescribed amount with the result of applying Part I of Schedule 1 to the Act to the additional income arising under the relevant departure direction; or
- (b) a weekly amount calculated by applying Part I of Schedule 1 to the Act to the aggregate of the net weekly income taken into account for the purposes of the maintenance assessment which is the subject of the conversion decision and the additional income arising under the relevant departure direction].

(2) This regulation applies where the relevant departure direction is one to which paragraph (5) or (7) of regulation 17 applies (additional cases) and the non-resident parent’s liability calculated as provided in Part I of Schedule 1 to the Act, and Regulations made under that Schedule, would, but for the relevant departure direction be—

- (a) the first prescribed amount;
- (b) the first prescribed amount but is less than that amount or nil, owing to the application of paragraph 8 of Part I of that Schedule; or
- (c) the first prescribed amount but for the application of paragraph 5(a) of that Schedule.
- (3) For the purposes of paragraph (1)—

Status: Point in time view as at 27/10/2008.

Changes to legislation: There are currently no known outstanding effects for the The Child Support (Transitional Provisions) Regulations 2000, PART III. (See end of Document for details)

- (a) “additional income” for the purposes of sub-paragraphs (a) and (b) means such income after the application of a relevant departure direction falling within paragraph (2) or (3) of regulation 17 (special expenses); ^{F41}or a relevant property transferand
- (b) weekly amount” for the purposes of sub-paragraphs (a) and (b) means the aggregate of the amounts referred to in the relevant sub-paragraph—
 - (i) adjusted as provided in regulation 23(3) as if the reference in that regulation to child support maintenance were to the weekly amount; and
 - (ii) after any deduction provided for in regulation 23(4) as if the reference in that regulation to child support maintenance were to the weekly amount; and
- (c) any benefit, pension or allowance referred to in sub-paragraph (b) shall not include—
 - (i) in the case of industrial injuries benefit under section 94 of the Social Security Contributions and Benefits Act 1992, any increase in that benefit under section 104 (constant attendance) or 105 (exceptionally severe disablement) of that Act;
 - (ii) in the case of a war disablement pension within the meaning in section 150(2) of that Act, any award under the following articles of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (“the Service Pensions Order”): article 14 (constant attendance allowance), 15 (exceptionally severe disablement allowance), 16 (severe disablement occupational allowance) or 26A (mobility supplement) or any analogous allowance payable in conjunction with any other war disablement pension; and
 - (iii) any award under article 18 of the Service Pensions Order (unemployability allowances) which is an additional allowance in respect of a child of the non-resident parent where that child is not living with the non-resident parent.]

Textual Amendments

- F39** Words in reg. 22(1) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(11)**
- F40** Reg. 22(1)(a)(b) substituted (1.4.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(c), **9(8)(a)**
- F41** Words in reg. 22(3)(a) inserted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(8)(b)(i)**

Effect of relevant departure direction on conversion calculation—general

23. –

(1) Subject to paragraphs (4) and (5), where more than one relevant departure direction applies regulations 18 to 22 shall apply and the results shall be aggregated as appropriate.

(2) Paragraph 7(2) to (7) of Schedule 1 to the Act (shared care) shall apply where the rate of child support maintenance is affected by a relevant departure direction^{F42}... and paragraph 7(2) of that Schedule shall be read as if after the words “as calculated in accordance with the preceding paragraphs of this Part of this Schedule” there were inserted the words “ , the Child Support (Transitional Provisions) Regulations 2000 ^{M4} ”.

(3) Subject to paragraphs (4) and (5), where the non-resident parent shares the care of a qualifying child within the meaning in Part I of Schedule 1 to the Act, or where the care of such a child is shared in part by a local authority, the amount of child support maintenance the non-resident parent is liable to pay the person with care, calculated to take account of any relevant departure direction,

shall be reduced in accordance with the provisions of paragraph 7 of that Part, or regulation 9 of the Maintenance Calculations and Special Cases Regulations, as the case may be.

(4) Subject to paragraph (5), where a relevant departure direction is one falling within paragraph (4) of regulation 17 (property or capital transfer) the amount of the relevant departure direction shall be deducted from the amount of child support maintenance the non-resident parent would otherwise be liable to pay the person with care in respect of whom the transfer was made after aggregation of the effects of any relevant departure directions as provided in paragraph (1) or deduction for shared care as provided in paragraph (3).

(5) If the application of regulation 19, or paragraphs (3) or (4), would decrease the weekly amount of child support maintenance (or the aggregate of all such amounts) payable by the non-resident parent to the person with care (or all of them) to less than a figure equivalent to the first prescribed amount, the new amount shall instead be the first prescribed amount and shall be apportioned as provided in paragraph 6 of Part I of Schedule 1 to the Act, and Regulations made under that Part.

Textual Amendments

F42 Words in reg. 23(2) omitted (30.4.2002) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(12)**

Marginal Citations

M4 [S.I. 2000/3186](#).

[^{F43}Effect of a relevant property transfer and a relevant departure direction—general

23A. Where—

- (a) more than one relevant property transfer applies; or
- (b) one or more relevant property transfers and one or more relevant departure directions apply,

regulation 23 shall apply as if references to a relevant departure direction were to a relevant property transfer or to the relevant property transfers and relevant departure directions, as the case may be.]

Textual Amendments

F43 Reg. 23A inserted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(13)**

Phasing amount

24.—(1) In this Part “phasing amount” means, for the year beginning on the case conversion date, the relevant figure provided in paragraph (2), and for each subsequent year the phasing amount for the previous year aggregated with the relevant figure.

(2) The relevant figure is—

- (a) £2.50 where the relevant income is £100 or less;
- (b) £5.00 where the relevant income is more than £100 but less than £400; or
- (c) £10.00 where the relevant income is £400 or more.

(3) [^{F44}Subject to [^{F45}paragraphs (4) [^{F46}, (5) and (6)]]], for] the purposes of paragraph (2), the “relevant income” is the net weekly income of the non-resident parent taken into account in the conversion decision.

[^{F47}(4) Where the new amount is calculated under regulation 22(1), “relevant income” for the purposes of paragraph (2) is the aggregate of the income calculated under regulation 22(1)(b).]

[^{F48}(5) Where the new amount is calculated under regulation 26(1) of the Variations Regulations, the “relevant income” for the purposes of paragraph (2) is the additional income arising under the variation.]

[^{F49}(6) Where a subsequent decision is made the effective date of which is the case conversion date—

- (a) the reference in paragraph (3) to the conversion decision shall apply as if it were a reference to the subsequent decision; and
- (b) the reference in paragraph (5) to the new amount shall apply as if it were a reference to the subsequent decision amount.]

Textual Amendments

- F44** Words in reg. 24(3) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(14)(a)**
- F45** Words in reg. 24(3) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(9)(a)**
- F46** Words in reg. 24(3) substituted (5.11.2003) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 2003 \(S.I. 2003/2779\)](#), regs. 1, **7(5)(a)**
- F47** Reg. 24(4) added (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(14)(b)**
- F48** Reg. 24(5) added (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(9)(b)**
- F49** Reg. 24(6) added (5.11.2003) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 2003 \(S.I. 2003/2779\)](#), regs. 1, **7(5)(b)**

Maximum transitional amount

25.—(1) Where a conversion decision is made in a circumstance [^{F50}to which regulation 15(3C)] applies (maintenance assessment and related maintenance calculation), or a subsequent decision is made, the liability of the non-resident parent to pay child support maintenance during the transitional period (excluding any amount payable in respect of arrears of child support maintenance and before reduction for any amount in respect of an overpayment) shall be whichever is the lesser of—

[^{F51}(a) the transitional amount payable under this Part added to, where applicable, the transitional amount payable under Part IV; and]

(b) the maximum transitional amount.

(2) Where—

(a) a conversion decision to which paragraph (1) applies, or a subsequent decision, results from an application made ^{F52}... for a maintenance calculation in respect of the same non-resident parent but a different qualifying child in relation to whom there is a different person with care (referred to in this regulation as “the new application”); and

(b) the amount of child support maintenance payable by the non-resident parent from the case conversion date, or the effective date of the subsequent decision, as the case may be, is the maximum transitional amount,

that amount shall be apportioned as provided in paragraph (3).

(3) The apportionment referred to in paragraph (2) shall be carried out as follows—

- (a) the amount of child support maintenance payable by the non-resident parent to the person with care in relation to the new application shall be calculated as provided in Part I of Schedule 1 to the Act and Regulations made under that Part and where applicable, Part IV of these Regulations, and that amount shall be the amount payable to that person with care;
- [^{F53}(aa) the amount of child support maintenance payable to a person with care in respect of whom there was a maintenance assessment in force immediately before the case conversion date and in respect of whom the amount payable is not calculated by reference to a phasing amount, shall be an amount calculated as provided in sub-paragraph (a) and, where applicable, regulations 17 to 23;]
- (b) [^{F54}the amounts calculated as provided in sub-paragraphs (a) and (aa)] shall be deducted from the maximum transitional amount and the remainder shall be apportioned among the other persons with care so that the proportion which each receives bears the same relation to the proportions which the others receive as those proportions would have borne in relation to each other and the new amount, or the subsequent decision amount, as the case may be, if the maximum transitional amount had not been applied.

(4) Where—

- (a) apportionment under paragraph (3)(b) results in a fraction of a penny, that fraction shall be treated as a penny if it is either one half or exceeds one half, otherwise it shall be disregarded; and
- (b) the application of paragraph (3)(b) would be such that the aggregate amount payable by a non-resident parent would be different from the aggregate amount payable before any such apportionment, 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.

[^{F55}(5) Subject to paragraphs (6) and (7), “maximum transitional amount” means 30% of the non-resident parent’s net weekly income taken into account in the conversion decision, or the subsequent decision, as the case may be.

(6) Where the new amount is calculated under regulation 22(1), “maximum transitional amount” means 30% of the aggregate of the income calculated under regulation 22(1)(b).

(7) Where the new amount or the subsequent decision amount, as the case may be, is calculated under regulation 26(1) of the Variations Regulations “maximum transitional amount” means 30% of the additional income arising under the variation.]

Textual Amendments

- F50** Words in reg. 25(1) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(10)(a)(i)**
- F51** Reg. 25(1)(a) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(10)(a)(ii)**
- F52** Words in reg. 25(2)(a) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **6**
- F53** Reg. 25(3)(aa) inserted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(10)(b)(i)**
- F54** Words in reg. 25(3)(b) substituted (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(10)(b)(ii)**

Status: Point in time view as at 27/10/2008.

Changes to legislation: There are currently no known outstanding effects for the The Child Support (Transitional Provisions) Regulations 2000, PART III. (See end of Document for details)

F55 Reg. 25(5)-(7) added (5.11.2003) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 2003 \(S.I. 2003/2779\)](#), regs. 1, **7(6)**

Subsequent decision effective on case conversion date

26.—(1) Where there is a subsequent decision, the effective date of which is the case conversion date, the amount of child support maintenance payable shall be calculated as if the subsequent decision were a conversion decision.

- (2) For the purposes of paragraph (1), regulations 9 to 25 shall apply as if references—
- (a) to the calculation date, including in relation to the definition of the former assessment amount, were to—
 - (i) where there has been a decision under section 16, 17 or 20 in relation to the maintenance assessment, the effective date of that decision; or
 - (ii) where sub-paragraph (i) does not apply—
 - (aa) the effective date of the subsequent decision; or
 - (bb) if earlier, the date the subsequent decision was made;
 - (b) to the new amount were to the subsequent decision amount; and
 - (c) to the conversion decision in regulation 24(3) were to the subsequent decision.

Subsequent decision with effect in transitional period—amount payable

27.—(1) Subject to paragraph (6), where during the transitional period there is a subsequent decision the effective date of which is after the case conversion date, the amount of child support maintenance payable shall be the subsequent decision amount unless any of the following paragraphs applies, in which case it shall be a transitional amount as provided for in those paragraphs.

- (2) Where—
- (a) the new amount was greater than the former assessment amount; and
 - (b) the subsequent decision amount is greater than the new amount,

the amount of child support maintenance payable shall be a transitional amount calculated as the transitional amount payable immediately before the subsequent decision (“the previous transitional amount”) increased by the difference between the new amount and the subsequent decision amount and the phasing amounts shall apply to that transitional amount as they would have applied to the previous transitional amount had there been no subsequent decision.

- (3) Where—
- (a) paragraph (2)(a) applies; and
 - (b) the subsequent decision amount is equal to or less than the new amount,^[F56] and greater than the previous transitional amount,

the amount of child support maintenance payable shall be the previous transitional amount and the phasing amounts shall apply as they would have applied had there been no subsequent decision.

- (4) Where—
- (a) the new amount was less than the former assessment amount; and
 - (b) the subsequent decision amount is less than the new amount,

the amount of child support maintenance payable shall be a transitional amount calculated as the previous transitional amount decreased by the difference between the new amount and the subsequent decision amount and the phasing amounts shall apply to that transitional amount as they would have applied to the previous transitional amount had there been no subsequent decision.

(5) Where—

- (a) paragraph (4)(a) applies; and
- (b) the subsequent decision amount is equal to or more than the new amount,^[F57] and less than the previous transitional amount.]

the amount of child support maintenance payable shall be the previous transitional amount and the phasing amounts shall apply as they would have applied had there been no subsequent decision.

(6) Paragraphs (2) to (5) shall not apply where the subsequent decision amount is the first or second prescribed amount ^[F58], would be the first or the second prescribed amount but is less than that amount, or is nil, owing to the application of paragraph 8 of Part I of Schedule 1 to the Act, or is the nil rate.]

^[F59](7) Where paragraph (1) applies and at the date of the subsequent decision there is more than one person with care in relation to the same non-resident parent—

- (a) the amount payable to a person with care in respect of whom the amount payable is calculated by reference to a phasing amount shall be determined by applying paragraphs (1) to (5) as if references to the new amount, the subsequent decision amount and the transitional amount were to the apportioned part of the amount in question; and
- (b) the amount payable in respect of any other person with care shall be the apportioned part of the subsequent decision amount.

[
^{F60}(7A) This paragraph applies where—

- (a) paragraph (1) applies and at the date of the subsequent decision there is more than one person with care in relation to the same non-resident parent; and
- (b) as a result of the subsequent decision there is one person with care in relation to that non-resident parent.

(7B) Where paragraph (7A) applies, the amount payable to a person with care in respect of whom the amount payable is calculated by reference to a phasing amount shall be determined by applying paragraphs (1) to (5) as if references to—

- (a) the new amount and the transitional amount were to the apportioned part of the amount in question which had been payable immediately prior to the subsequent decision to the person with care in respect of whom the subsequent decision is made; and
- (b) the subsequent decision amount were to the full amount payable under the subsequent decision.]

(8) In paragraph (7)^[F61]and (7B)], “apportioned part” means the amount payable in respect of a person with care calculated as provided in Part I of Schedule 1 to the Act and Regulations made under that Part and, where applicable, Parts III and IV of these Regulations.

(9) ^[F62]^[F63]Where] a subsequent decision is made in respect of a decision which is itself a subsequent decision, paragraphs (2) to (5) shall apply as if, except in paragraphs (2)(a) and (4)(a), references to the new amount were to the subsequent decision amount which applied immediately before the most recent subsequent decision.]

^[F64](10) ^[F65]Subject to paragraph (11), where] a subsequent decision (“decision B”) is made in respect of a decision which is itself a subsequent decision (“decision A”) and—

- (a) decision B has the same effective date as decision A; or
- (b) decision B—
 - (i) is a revision or alteration on appeal of decision A; and
 - (ii) includes within it a determination that the effective date of decision A was incorrect,

paragraphs (2) to (5) shall apply [^{F66}as if decision A had not been made.] amount of decision B is compared with the new amount or the subsequent decision amount, as the case may be, which was in place immediately before decision A was made.]

[^{F67}(11) In the circumstances set out in paragraph (10), paragraph (9) shall not apply where the decision in place before decision A was made was the decision which took effect from the case conversion date.]

Textual Amendments

- F56** Words in reg. 27(3)(b) added (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(15)(a)**
- F57** Words in reg. 27(5)(b) added (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(15)(b)**
- F58** Words in reg. 27(6) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(15)(c)**
- F59** Reg. 27(7)-(9) added (21.2.2003) by [The Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/328\)](#), regs. 1(3)(a), **9(11)**
- F60** Reg. 27(7A) (7B) inserted (16.3.2005) by [Child Support \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/785\)](#), regs. 1(2)(a), **7(3)(a)**
- F61** Words in reg. 27(8) inserted (16.3.2005) by [Child Support \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/785\)](#), regs. 1(2)(a), **7(3)(b)**
- F62** Words in reg. 27(9) substituted (5.11.2003) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 2003 \(S.I. 2003/2779\)](#), regs. 1, **7(7)(a)**
- F63** Word in reg. 27(9)(b) substituted (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **8(9)(a)**
- F64** Reg. 27(10) added (5.11.2003) by [The Child Support \(Miscellaneous Amendments\) \(No. 2\) Regulations 2003 \(S.I. 2003/2779\)](#), regs. 1, **7(7)(b)**
- F65** Words in reg. 27(10)(c) substituted (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **8(9)(b)(i)**
- F66** Words in reg. 27(10)(c) substituted (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#), regs. 1(2)(a), **8(9)(b)(ii)**
- F67** Reg. 27(11) inserted (16.9.2004) by [The Child Support \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2415\)](#) regs. 3(a), 8(9)(c)

Linking provisions

28.—(1) [^{F68}Subject to paragraph (2A), where], after the commencement date but before the conversion date, an application for a maintenance calculation is made ^{F69}...and within the relevant period a maintenance assessment was in force in relation to the same qualifying child, non-resident parent and person with care—

- (a) the application shall be treated as an application for a maintenance assessment; and
- (b) any maintenance assessment made in response to the application shall be an assessment to which regulations 9 to 28 apply.

(2) [^{F68}Subject to paragraph (2A), where], after the conversion date, an application for a maintenance calculation is made ^{F70}..., and within the relevant period a maintenance assessment ("the previous assessment") had been in force in relation to the same qualifying child, non-resident parent and person with care but had ceased to have effect—

- (a) the amount of child support maintenance payable by the non-resident parent from the effective date of the maintenance calculation made in response to the application shall be

calculated in the same way that a conversion calculation would have been made had the previous assessment been in force on the date the calculation is made; and

- (b) the provisions of regulations 9 to 28 shall apply accordingly, including the application where appropriate of transitional amounts, phasing amounts and a transitional period, which for this purpose shall begin on the date which would have been the case conversion date in relation to the previous assessment.

[^{F71}(2A) Paragraph (1) or (2) shall not apply where, before any application for a maintenance calculation of a type referred to in paragraph (1) or (2) is made ^{F72}..., an application for a maintenance calculation is made or treated as made in relation to either the person with care or the non-resident parent (but not both of them) to whom the maintenance assessment referred to in paragraph (1) or (2) related.]

(3) For the purposes of paragraphs (1) and (2) "the relevant period" means 13 weeks prior to the date that the application for the maintenance calculation is made ^{F73}....

(4) This paragraph applies where—

- (a) the non-resident parent is liable to pay child support maintenance of a transitional amount and there is, during the transitional period, a subsequent decision (in this regulation referred to as "the first subsequent decision") as a result of which the non-resident parent is liable to pay child support maintenance [^{F74}at—

- (i) the first or second prescribed amount;
- (ii) what would be an amount referred to in head (i) but is less than that amount, or is nil, owing to the application of paragraph 8 of Part I of Schedule 1 to the Act; or
- (iii) the nil rate; and]

- (b) a second subsequent decision is made with an effective date no later than 13 weeks after the effective date of the first subsequent decision the effect of which would be that the non-resident parent would be liable to pay child support maintenance at other than [^{F75}a rate referred to in sub-paragraph (a)].

(5) [^{F76}Subject to paragraph (5A), where] paragraph (4) applies the amount of child support maintenance the non-resident parent is liable to pay from the effective date of the second subsequent decision shall be a transitional amount or, where applicable, the new amount, calculated by making a subsequent decision and, where appropriate, applying a phasing amount, as if the first subsequent decision had not occurred.

[^{F77}(5A) Paragraph (5) shall not apply where, before any second subsequent decision is made, an application for a maintenance calculation is made ^{F78}... in relation to either the person with care or the non-resident parent (but not both of them) to whom the first subsequent decision referred to in paragraph (4) related.]

(6) This paragraph applies where during the transitional period a [^{F79}conversion decision] ceases to have effect.

(7) [^{F80}Subject to paragraph (7A), where] paragraph (6) applies and no later than 13 weeks after the [^{F81}conversion decision] ceases to have effect [^{F82}an application for a maintenance calculation] is made, ^{F83}..., in relation to the same person with care, non-resident parent and qualifying child, the amount of child support maintenance the non-resident parent is liable to pay from the effective date of the new maintenance calculation shall be a transitional amount or, where applicable, the new amount, calculated by making a subsequent decision in relation to the [^{F81}conversion decision] as if it had not ceased to have effect, and applying a phasing amount where appropriate.

[^{F84}(7A) Paragraph (7) shall not apply where, before an application for a maintenance calculation of a type referred to in that paragraph is made ^{F85}..., an application for a maintenance calculation is

made ^{F85}... in relation to either the person with care or the non-resident parent (but not both of them) to whom the [^{F86}conversion decision] referred to in that paragraph related.]

(8) [^{F87}Subject to paragraph (9), where]—

[^{F88}(a) a [^{F89}conversion decision] is in force, or pursuant to regulation 16(3) a maintenance calculation is in force, (“the calculation”) and the new amount—

(i) is the first or second prescribed amount;

(ii) would be an amount referred to in head (i), but is less than that amount, or is nil, owing to the application of paragraph 8 of Part I of Schedule 1 to the Act; or

(iii) is the nil rate;]

(b) after the case conversion date a subsequent decision is made;

(c) but for the application of this regulation the subsequent decision amount would be a basic or reduced rate of child support maintenance; and

(d) within 13 weeks prior to the effective date of the subsequent decision a maintenance assessment was in force in relation to the same non-resident parent, person with care and qualifying child, under which the amount payable by the non-resident parent (“the previous assessment”) was more than the amount prescribed for the purposes of paragraph 7 of Schedule 1 to the former Act;

the subsequent decision amount shall be calculated by making a subsequent decision in relation to the previous assessment as if the assessment were in force, and applying a phasing amount where appropriate.

[^{F90}(9) Paragraph (8) shall not apply where, before a subsequent decision of a type referred to in paragraph (8)(b) is made, an application for a maintenance calculation is made ^{F91}... in relation to the person with care or the non-resident parent (but not both of them) to whom the calculation relates.]

Textual Amendments

F68 Words in reg. 28(1)-(2) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(16)(a)**

F69 Words in reg. 28(1) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **6**

F70 Words in reg. 28(2) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **6**

F71 Reg. 28(2A) inserted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(16)(b)**

F72 Words in reg. 28(2A) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **6**

F73 Words in reg. 28(3) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **6**

F74 Words in reg. 28(4)(a) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(16)(c)**

F75 Words in reg. 28(4)(b) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(16)(d)**

F76 Words in reg. 28(5) substituted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(16)(e)**

F77 Reg. 28(5A) inserted (30.4.2002) by [The Child Support \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/1204\)](#), regs. 3(a), **8(16)(f)**

F78 Words in reg. 28(5A) omitted (27.10.2008) by virtue of [Child Support \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/2543\)](#), regs. 1, **6**

- F79** Words in reg. 28(6) substituted (21.2.2003) by The Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/328), regs. 1(3)(a), **9(12)**
- F80** Words in reg. 28(7) substituted (30.4.2002) by The Child Support (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1204), regs. 3(a), **8(16)(g)(i)**
- F81** Words in reg. 28(7) substituted (21.2.2003) by The Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/328), regs. 1(3)(a), **9(12)**
- F82** Words in reg. 28(7) substituted (30.4.2002) by The Child Support (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1204), regs. 3(a), **8(16)(g)(ii)**
- F83** Words in reg. 28(7) omitted (27.10.2008) by virtue of Child Support (Consequential Provisions) Regulations 2008 (S.I. 2008/2543), regs. 1, **6**
- F84** Reg. 28(7A) inserted (30.4.2002) by The Child Support (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1204), regs. 3(a), **8(16)(h)**
- F85** Words in reg. 28(7A) omitted (27.10.2008) by virtue of Child Support (Consequential Provisions) Regulations 2008 (S.I. 2008/2543), regs. 1, **6**
- F86** Words in reg. 28(7A) substituted (21.2.2003) by The Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/328), regs. 1(3)(a), **9(12)**
- F87** Words in reg. 28(8) substituted (30.4.2002) by The Child Support (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1204), regs. 3(a), **8(16)(i)(i)**
- F88** Reg. 28(8)(a) substituted (30.4.2002) by The Child Support (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1204), regs. 3(a), **8(16)(i)(ii)**
- F89** Words in reg. 28(8)(a) substituted (21.2.2003) by The Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/328), regs. 1(3)(a), **9(12)**
- F90** Reg. 28(9) added (30.4.2002) by The Child Support (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/1204), regs. 3(a), **8(16)(j)**
- F91** Words in reg. 28(9) omitted (27.10.2008) by virtue of Child Support (Consequential Provisions) Regulations 2008 (S.I. 2008/2543), regs. 1, **6**

Status:

Point in time view as at 27/10/2008.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Transitional Provisions) Regulations 2000, PART III.