
STATUTORY INSTRUMENTS

2000 No. 3186

The Child Support (Transitional Provisions) Regulations 2000

PART IV

COURT ORDER PHASING

Interpretation

29.—(1) In this Part—

“the Act” means the Child Support Act 1991;

“calculation amount” means the amount of child support maintenance that would, but for the provisions of this Part, be payable under a maintenance calculation which is in force;

“excess” means the amount by which the calculation amount exceeds the old amount;

“maintenance calculation” has the meaning given in section 54 of the Act the effective date of which is on or after the date prescribed for the purposes of section 4(10)(a) of the Act;

“old amount” means, subject to paragraph (2) below, the aggregate weekly amount which was payable under the orders, agreements or arrangements mentioned in regulation 30;

“subsequent decision” means—

(a) any decision under section 16 or 17 of the Act to revise or supersede a maintenance calculation to which regulation 31(1) applies; or

(b) any such revision or supersession as decided on appeal,

whether as originally made or as revised under section 16 of the Act or decided on appeal;

“subsequent decision amount” means the amount of child support maintenance liability resulting from a subsequent decision;

“transitional amount” means an amount determined in accordance with regulation 31; and

“transitional period” means a period beginning on the effective date of the maintenance calculation and ending 78 weeks after that date or, if earlier, on the date on which regulation 31(3) applies.

(2) In determining the old amount the Secretary of State shall disregard any payments in kind and any payments made to a third party on behalf of or for the benefit of the qualifying child or the person with care.

Cases to which this Part applies

30. This Part applies to cases where—

(a) on 4th April 1993, and at all times thereafter until the date when a maintenance calculation is made under the Act there was in force, in respect of one or more of the qualifying children in respect of whom an application for a maintenance calculation is made or treated as made under the Act and the non-resident parent concerned, one or more—

(i) maintenance orders;

- (ii) orders under section 151 of the Army Act 1955(1) (deductions from pay for maintenance of wife or child) or section 151 of the Air Force Act 1955(2) (deductions from pay for maintenance of wife or child) or arrangements corresponding to such an order and made under Article 1 or 3 of the Naval and Marine Pay and Pensions (Deductions for Maintenance) Order 1959(3); or
 - (iii) maintenance agreements (being agreements which are made or evidenced in writing);
- (b) either—
- (i) the non-resident parent was on the effective date of the maintenance calculation and continues to be a member of a family, as defined in regulation 1 of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(4) which includes one or more children; or
 - (ii) the amount of child support maintenance payable under the maintenance calculation referred to in paragraph (a) is a basic or reduced rate under paragraph 7 of Part I of Schedule 1 to the Act (shared care—basic and reduced rate); and
- (c) the calculation amount exceeds the old amount.

Amount payable during the transitional period

31.—(1) In a case to which this Part applies, the amount of child support maintenance payable under a maintenance calculation during the transitional period shall, instead of being the calculation amount, be the transitional amount.

- (2) The transitional amount is—
- (a) during the first 26 weeks of the transitional period, the old amount plus either 25 per cent of the excess or £20.00, whichever is the greater;
 - (b) during the next 26 weeks of the transitional period, the old amount plus either 50 per cent of the excess or £40.00, whichever is the greater; and
 - (c) during the last 26 weeks of the transitional period, the old amount plus either 75 per cent of the excess or £60.00, whichever is the greater.

(3) If in any case the application of the provisions of this Part would result in an amount of child support maintenance becoming payable which is greater than the calculation amount, then those provisions shall not apply or, as the case may be, shall cease to apply to that case and the amount of child support maintenance payable in that case shall be the calculation amount.

Revision and supersession

32.—(1) Where the Secretary of State makes a subsequent decision in relation to a maintenance calculation to which regulation 31(1) applies, the amount of child support maintenance payable by the non-resident parent shall be—

(1) 3 & 4 Eliz.2 c. 18. Relevant amendments to section 151 were made by section 18 of the Armed Forces Act 1976 (c. 52), section 11 of the Armed Forces Act 1981 (c. 55), section 108(4) of the Children Act 1989 (c. 41), section 14 of the Armed Forces Act 1991 (c. 62) and by S.I. 1993/785 and 1995/756.

(2) 3 & 4 Eliz. 2 c. 19. Relevant amendments to section 151 were made by section 18 of the Armed Forces Act 1976 (c. 52), section 11 of the Armed Forces Act 1981 (c. 55), section 108(4) of the Children Act 1989 (c. 41), section 14 of the Armed Forces Act 1991 (c. 62) and by S.I. 1993/785 and 1995/756.

(3) This Order in Council is not a statutory instrument but copies may be obtained from the Ministry of Defence Naval Pay (Pensions and Conditions of Service) Branch, Old Admiralty Building, Spring Gardens, London SW1A 2BE.

(4) S.I. 2000/

- (a) where the subsequent decision amount is more than the calculation amount, the transitional amount plus the difference between the calculation amount and the subsequent decision amount;
 - (b) where the subsequent decision amount is less than the calculation amount but more than the transitional amount, the transitional amount; or
 - (c) where the subsequent decision amount is less than the calculation amount and less than or equal to the transitional amount, the subsequent decision amount.
- (2) Regulation 31(2) shall apply to cases where there has been a subsequent decision as if references to the transitional amount were to the amount resulting from the application of paragraph (1).