
STATUTORY INSTRUMENTS

2000 No. 3186

The Child Support (Transitional Provisions) Regulations 2000

PART III

AMOUNT PAYABLE FOLLOWING CONVERSION DECISION

Relevant departure [^{F1}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 ^{M1} 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.

[^{F2}(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.

[^{F3}(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
- (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

- F1** 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)**
 - F2** 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)**
 - F3** 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)**
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Marginal Citations

- M1** Schedule 4B is substituted by section 6(2) of, and Schedule 2 to, the [Child Support, Pensions and Social Security](#)

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Transitional Provisions) Regulations 2000, Section 17.