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STATUTORY INSTRUMENTS

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**2001 No. 156**

**The Child Support (Variations) Regulations 2000**

**PART III**

**SPECIAL EXPENSES**

**Special expenses—illness or disability of relevant other child**

**11.**—(1) Subject to the following paragraphs of this regulation, expenses necessarily incurred by the non-resident parent in respect of the items listed in sub-paragraphs (a) to (m) due to the long-term illness or disability of a relevant other child 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 non-resident parent's home;
- (k) day care;
- (l) rehabilitation; or
- (m) respite care.

(2) For the purposes of this regulation and regulation 10—

- (a) a person is “disabled” for a period in respect of which—
  - (i) either an attendance allowance, disability living allowance<sup>[F1]</sup>, personal independence payment<sup>[F2]</sup>, a mobility supplement or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011] is paid to or in respect of him;
  - (ii) he would receive an attendance allowance or disability living allowance if it were not for the fact that he is a patient, though remaining part of the applicant's family; <sup>F3</sup>...
  - (iii) he is registered blind or treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2) of Schedule 2 to the Income Support (General) Regulations 1987 <sup>M1</sup>, <sup>[F4]</sup> or
  - (iv) he would receive personal independence payment but for regulations under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012 and he remains part of the applicant's family;]

and for this purpose—

- (i) “attendance allowance” means an allowance payable under section 64 of the Contributions and Benefits Act or an increase of disablement pension under section 104 of that Act, or an award under article 14 of the Naval, Military and Air Forces Etc., (Disablement and Death) Service Pensions Order 1983 <sup>M2</sup> or any analogous allowance payable in conjunction with any other war disablement pension within the meaning of section 150(2) of the Contributions and Benefits Act;
- (ii) “disability living allowance” means an allowance payable under section 72 of the Contributions and Benefits Act;
- [<sup>F5</sup>(ia) “personal independence payment” means an allowance payable under section 78 of the Welfare Reform Act 2012 (daily living component);]
- (iii) “mobility supplement” means an award under article 26A of the Naval, Military and Air Forces Etc., (Disablement and Death) Service Pensions Order 1983 or any analogous allowance payable in conjunction with any other war disablement pension within the meaning of section 150(2) of the Contributions and Benefits Act; and
- (iv) “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a young offenders institution within the meaning of the Criminal Justice Act 1982 <sup>M3</sup>) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975 <sup>M4</sup>;
- (b) “the health service” has the same meaning as in section 128 of the National Health Service Act 1977 <sup>M5</sup> or in section 108(1) of the National Health Service (Scotland) Act 1978 <sup>M6</sup>;
- (c) “long-term illness” means an illness from which the non-resident parent or child is suffering at the date of the application or the date from which the variation, if agreed, would take effect and which is likely to last for at least 52 weeks from that date, or, if likely to be shorter than 52 weeks, for the remainder of the life of that person; and
- (d) “relevant other child” has the meaning given in paragraph 10C(2) of Schedule 1 to the Act and Regulations made under that paragraph.

[<sup>F6</sup>(3) Where, at the date on which the non-resident parent makes the variation application—

- (a) he or a member of his household has received, or at that date is in receipt of, or where he or the member of his household will receive any financial assistance from any source in respect of the long-term illness or disability of the relevant other child; or
- (b) a disability living allowance [<sup>F7</sup>or armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011][<sup>F8</sup>or personal independence payment] is received by the non-resident parent or the member of his household on behalf of the relevant other child,

only the net amount of the costs incurred in respect of the items listed in paragraph (1), after the deduction of the financial assistance or the amount of the allowance, shall constitute special expenses for the purposes of paragraph 2(2) of Schedule 4B to the Act.]

#### Textual Amendments

- F1** Words in [reg. 11\(2\)\(a\)\(i\)](#) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), [reg. 2](#), [Sch. para. 24\(a\)](#)
- F2** Words in [reg. 11\(2\)\(a\)\(i\)](#) substituted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), [art. 2\(2\)](#), [Sch. para. 17\(2\)\(a\)](#)

- F3** Word in reg. 11(2)(a)(ii) omitted (8.4.2013) by virtue of The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 24(b)**
- F4** Reg. 11(2)(a)(iv) and word inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 24(c)**
- F5** Reg. 11(2)(a)(ia) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 24(d)**
- F6** Reg. 11(3) substituted (16.3.2005) by Child Support (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/785), regs. 1(2)(a), **8(3)**
- F7** Words in reg. 11(3)(b) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 17(2)(b)**
- F8** Words in reg. 11(3)(b) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 24(e)**

#### Commencement Information

- I1** Reg. 11 partly in force; reg. 11 not in force at made date; reg. 11 in force at 3.3.2003 for certain purposes, see reg. 1(1) and [S.I. 2003/192](#)

#### Marginal Citations

- M1** [S.I. 1987/1967](#).
- M2** [S.I. 1983/883](#).
- M3** 1982 c. 48. The Act is amended by the Criminal Justice Act 1988 c. 33.
- M4** [S.I. 1975/555](#). Relevant amendments are made by [S.I. 1992/2595](#) and 1999/1326.
- M5** 1977 c. 49.
- M6** 1978 c. 29.

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support (Variations) Regulations 2000, Section 11.