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STATUTORY INSTRUMENTS

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**2003 No. 2779**

**The Child Support (Miscellaneous Amendments) (No. 2) Regulations 2003**

**Amendment of the Child Support (Transitional Provisions) Regulations 2000**

7.—(1) The Child Support (Transitional Provisions) Regulations 2000<sup>(1)</sup> shall be amended in accordance with the following paragraphs.

(2) In regulation 2(1) (interpretation)<sup>(2)</sup>, in the definition of “maximum transitional amount” for the words after “amount” substitute “has the meaning given in regulation 25(5), (6) or (7), whichever is applicable”.

(3) In regulation 7(g) (grounds on which a conversion decision may not be revised, superseded or altered on appeal) in sub-paragraph (ii) omit—

- (a) “where” where it first appears in that sub-paragraph; and
- (b) “the relevant property transfer to be replaced with”.

(4) In regulation 17 (relevant departure direction and relevant property transfer)<sup>(3)</sup>, after paragraph (9) add—

“(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)<sup>(4)</sup> 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.”.

(5) In regulation 24 (phasing amount)<sup>(5)</sup>—

- (a) in paragraph (3) for “and (5)” substitute “, (5) and (6)”;
- (b) after paragraph (5) add—

“(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.”.

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

(2) Relevant amending instrument is [S.I. 2003/328](#).

(3) Relevant amending instrument is [S.I. 2002/1204](#).

(4) Relevant amending instrument is [S.I. 2002/1204](#).

(5) Relevant amending instruments are [S.I. 2002/1204](#) and [2003/328](#).

- (6) In regulation 25 (maximum transitional amount)(6) after paragraph (4) add—
- “(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)(7), “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.”.
- (7) In regulation 27 (subsequent decision with effect in transitional period—amount payable)(8)—
- (a) in paragraph (9) for “Where” substitute “Subject to paragraph (10), where”; and
- (b) after paragraph (9) add—
- “(10) 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 so that the subsequent decision 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.”.

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(6) Relevant amending instrument is [S.I. 2003/328](#).

(7) Relevant amending instruments are [S.I. 2002/1204](#) and [2003/328](#).

(8) Relevant amending instruments are [S.I. 2002/1204](#) and [2003/328](#).