
STATUTORY INSTRUMENTS

2009 No. 736

**The Child Support (Miscellaneous and
Consequential Amendments) Regulations 2009**

Amendments to the Departure Direction Regulations

2.—(1) The Departure Direction Regulations are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after the definition of “Arrears Regulations” insert—

““the Commission” means the Child Maintenance and Enforcement Commission;”.

(3) For regulation 24 of the Departure Direction Regulations (diversion of income), substitute—

“**24.**—(1) A case shall constitute a case for the purposes of paragraph 5(1) of Schedule 4B to the Act where—

(a) the non-applicant (“A”) has the ability to control the amount of income that—

(i) A receives, or

(ii) is taken into account as A’s assessable income,

including earnings from employment or self-employment and dividends from shares, whether or not the whole of that income is derived from the company or business from which those earnings are derived; and

(b) the Commission is satisfied that A has unreasonably reduced the amount of A’s income which would otherwise fall to be taken into account under regulation 7 or 8 of the Maintenance Assessments and Special Cases Regulations by diverting it to other persons or for purposes other than the provision of such income for A.

(2) In this regulation “assessable income” means the amount calculated in accordance with paragraph 5(1) to (3) of Schedule 1 to the Act and regulations made for the purposes of that paragraph.”.