

## STATUTORY INSTRUMENTS

# 2012 No. 2677

## The Child Support Maintenance Calculation Regulations 2012

### PART 4

#### THE MAINTENANCE CALCULATION RULES

##### CHAPTER 1

##### DETERMINATION OF GROSS WEEKLY INCOME

#### The general rule for determining gross weekly income

**34.**—(1) The gross weekly income of a non-resident parent for the purposes of a calculation decision is a weekly amount determined at the effective date of the decision on the basis of either historic income or current income in accordance with this Chapter.

- (2) The non-resident parent's gross weekly income is to be based on historic income unless—
- (a) current income differs from historic income by an amount that is at least 25% of historic income; or
  - (b) <sup>F1</sup>... no historic income is available<sup>F2</sup>; or
  - (c) the Secretary of State is unable, for whatever reason, to request or obtain the required information from HMRC.]

<sup>F3</sup>(2A) For the purposes of paragraph (2)(a), current income is to be treated as differing from historic income by an amount that is at least 25% of historic income where—

- (a) the amount of historic income is nil; and
- (b) the amount of current income is greater than nil.]

(3) For the purposes of paragraph (2)(b) no historic income is available if HMRC did not, when a request was last made by the Secretary of State for the purposes of regulation 35, have the required information in relation to a relevant tax year.

(4) “Relevant tax year” has the meaning given in regulation 4(2).

(5) This regulation is subject to regulation 23(4) (change to current income outside the annual review or periodic current income check).

#### Textual Amendments

- F1** Words in Pt. 4 reg. 34(2)(b) omitted (25.11.2013) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/1517\)](#), reg. 1(4)(5), **8(2)(a)(i)**
- F2** Pt. 4 reg. 34(2)(c) and word inserted (25.11.2013) by [The Child Support \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/1517\)](#), reg. 1(4)(5), **8(2)(a)(ii)**
- F3** Pt. 4 reg. 34(2A) inserted (25.11.2013) by [The Child Support \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/1517\)](#), reg. 1(4)(5), **8(2)(b)**

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**Changes to legislation:** There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, Section 34. (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** Reg. 34(2) modified (temp.) (10.12.2012) by [The Child Maintenance and Other Payments Act 2008 \(Commencement No. 10 and Transitional Provisions\) Order 2012 \(S.I. 2012/3042\)](#), **art. 6(a)** (which amending art. 6 was omitted (29.7.2013) by virtue of [S.I. 2013/1860](#), art. 6)
- C2** Reg. 34(2) modified (temp.) (29.7.2013) by [The Child Maintenance and Other Payments Act 2008 \(Commencement No. 11 and Transitional Provisions\) Order 2013 \(S.I. 2013/1860\)](#), **art. 7(a)**

**Commencement Information**

- I1** Reg. 34 wholly in force; reg. 34 not in force at made date; reg. 34 in force at 29.7.2013 for certain purposes and reg. 34 in force at 25.11.2013 in so far as not already in force, see reg. 1, [SI 2013/1860](#) and [S.I. 2013/2947](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, Section 34.