

## STATUTORY INSTRUMENTS

# 2012 No. 2677

## The Child Support Maintenance Calculation Regulations 2012

### PART 4

#### THE MAINTENANCE CALCULATION RULES

##### CHAPTER 4

##### SPECIAL CASES

#### Parent treated as a non-resident parent in shared care cases

**50.**—(1) Where the circumstances of a case are that—

- (a) an application is made by a person with care under section 4 of the 1991 Act <sup>M1</sup>; and
- (b) the person named in that application as the non-resident parent of the qualifying child also provides a home for that child (in a different household from the applicant) and shares the day to day care of that child with the applicant,

the case is to be treated as a special case for the purposes of the 1991 Act.

(2) For the purposes of this special case, the person mentioned in paragraph (1)(b) is to be treated as the non-resident parent if, and only if, that person provides day to day care to a lesser extent than the applicant.

(3) Where the applicant is receiving child benefit in respect of the qualifying child the applicant is assumed, in the absence of evidence to the contrary, to be providing day to day care to a greater extent than any other person.

[<sup>F1</sup>(4) For the purposes of paragraph (3), where a person has made an election under section 13A(1) of the Social Security Administration Act 1992 (election not to receive child benefit) for payments of child benefit not to be made, that person is to be treated as receiving child benefit.]

#### Textual Amendments

- F1** Pt. 4 reg. 50(4) inserted (30.9.2013) by [The Child Support \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/1517\)](#), regs. 1(2), **8(4)**

#### Commencement Information

- I1** Reg. 50 wholly in force; reg. 50 not in force at made date; reg. 50 in force at 29.7.2013 for certain purposes and reg. 50 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](#)

#### Marginal Citations

- M1** Section 4 was amended by section 18(1) of the [Child Support Act 1995 \(c.34\)](#), **paragraph 19** of Schedule 7, and Schedule 8, to the [Social Security Act 1998 \(c.14\)](#), **sections 1(2)** and 2(1) to (3) of, and paragraph 11(1) to (3) of Schedule 3 to, the [Child Support, Pensions and Social Security Act 2000](#)

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**Changes to legislation:** There are currently no known outstanding effects for the *The Child Support Maintenance Calculation Regulations 2012, Section 50*. (See end of Document for details)

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(c. 19) and by section 35(1) of, and Schedule 8 to, the [Child Maintenance and Other Payments Act 2008](#) (c. 6).

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, Section 50.