
STATUTORY INSTRUMENTS

2012 No. 2785

**The Child Support (Meaning of Child and
New Calculation Rules) (Consequential and
Miscellaneous Amendment) Regulations 2012**

PART 3

New Calculation Rules – Consequential and Miscellaneous Amendments

Amendment of the Child Support Information Regulations 2008

- 8.**—(1) The Child Support Information Regulations 2008^{M1} are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1), for the definition of “Maintenance Calculation Procedure Regulations” substitute—
- ““the Maintenance Calculation Regulations” means the Child Support Maintenance Calculation Regulations 2012^{M2}.”; and
- (b) omit paragraphs (2) and (3).
- (3) In regulation 7 (duty of persons from whom information requested) omit paragraph (3).
- (4) After regulation 9 (duty to notify change of address) insert—

“Duty to notify increase in current income

- 9A.**—(1) In a case falling within paragraphs (2) or (3), the Secretary of State may notify the non-resident parent that that parent is required to notify the Secretary of State of any relevant change of circumstances in relation to that income.
- (2) A case falls within this paragraph if, in relation to a maintenance calculation in force—
- (a) gross weekly income is determined by reference to the non-resident parent's current income as an employee or officeholder (in accordance with regulation 38 of the Maintenance Calculation Regulations); and
- (b) paragraph 5(b) of Schedule 1 to the 1991 Act (nil rate) does not apply.
- (3) A case falls within this paragraph if, in relation to a maintenance calculation in force—
- (a) gross weekly income is determined by reference to the non-resident parent's current income (in accordance with regulation 37 of the Maintenance Calculation Regulations); and
- (b) paragraph 5(b) of Schedule 1 to the 1991 Act applies (nil rate).
- (4) A notification by the Secretary of State under paragraph (1) must be in writing.
- (5) Where a relevant change of circumstances occurs after the non-resident parent has been notified of a requirement under paragraph (1), the non-resident parent must notify the Secretary of State of that change—

- (a) within fourteen days beginning with the day on which the change occurs; or
 - (b) within such other period as the Secretary of State has specified in the notification.
- (6) For the purposes of a case falling within paragraph (2), a relevant change of circumstances occurs where—
- (a) the non-resident parent—
 - (i) commences a new employment or office; or
 - (ii) in relation to an existing employment or office, commences a new rate of remuneration or a new working pattern,

and could reasonably be expected to know that would result in an increased liability under the maintenance calculation in force if reported to the Secretary of State; or
 - (b) the non-resident parent receives from their employment or office the following number of consecutive payments, each of which (if it were taken as a weekly average) exceeds the gross weekly income taken into account in the maintenance calculation in force by 25% or more—
 - (i) five payments, in the case of a non-resident parent paid weekly;
 - (ii) three payments, in the case of a non-resident parent paid fortnightly;
 - (iii) two payments, in the case of a non-resident parent paid four weekly or monthly.
- (7) The payments referred to in paragraph (6)(b) are the gross remuneration from the employment or office in question less any pension contributions deducted under net pay arrangements.
- (8) In paragraph (7)—
 “net pay arrangements” means arrangements for relief in respect of pension contributions under section 193 of the Finance Act 2004 ^{M3}.
- (9) For the purposes of a case falling within paragraph (3), a relevant change of circumstances occurs where the non-resident parent's income increases to a gross weekly income of £5 or more.
- (10) For the purposes of paragraph (9), gross weekly income is to be calculated in accordance with regulation 45(2) of the Maintenance Calculation Regulations.”.
- (5) In regulation 13 (disclosure of information to other persons)—
- (a) in paragraph (1)(d), for “regulation 23” to “Procedure Regulations” substitute “ regulation 25 of the Maintenance Calculation Regulations (notification of a maintenance calculation) ”; and
 - (b) in paragraph (2)(c), for “regulation 34” to “Regulations 1999” substitute “ paragraph 4 of the Schedule to the Maintenance Calculation Regulations ”.

Marginal Citations

- M1** S.I. 2008/2551.
M2 S.I. 2012/2677.
M3 2004 c. 12.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012, Section 8.