

---

DRAFT STATUTORY INSTRUMENTS

---

**2012 No.**

**The Child Support Maintenance Calculation Regulations 2012**

**PART 5**

**VARIATIONS**

**CHAPTER 3**

**GROUNDS FOR VARIATION: ADDITIONAL INCOME**

**Non-resident parent on a flat rate or nil rate with gross weekly income**

**70.**—(1) A case is a case for a variation for the purposes of paragraph 4(1) of Schedule 4B to the 1991 Act where—

- (a) the non-resident parent's liability to pay child support maintenance under a maintenance calculation which is in force or has been applied for is or would be—
  - (i) the nil rate by virtue of the non-resident parent being one of the persons referred to in paragraph (3); or
  - (ii) the flat rate by virtue of the non-resident parent receiving a benefit, pension or allowance mentioned in regulation 44(1) (flat rate);
- (b) the Secretary of State is satisfied that the non-resident parent has an amount of income that would be taken into account in the maintenance calculation as gross weekly income if sub-paragraph (a) did not apply; and
- (c) that income is equal to or more than £100 per week.

(2) Where a variation is agreed to under this regulation, the non-resident parent is treated as having additional income of the amount referred to in paragraph (1)(b).

(3) The persons referred to are—

- (a) a child;
- (b) a prisoner;
- (c) a person receiving an allowance in respect of work-based training for young people, or in Scotland, Skillseekers training;
- (d) a person referred to in regulation 45(1)(e) (persons resident in a care home or independent hospital etc.).