
STATUTORY INSTRUMENTS

1996 No. 1945

**The Child Support (Miscellaneous
Amendments) Regulations 1996**

Amendment of Schedule 1 to the Maintenance Assessments and Special Cases Regulations

24.—(1) Schedule 1 to the Maintenance Assessments and Special Cases Regulations (calculation of N and M), shall be amended in accordance with the following provisions of this regulation.

(2) For head (d) of paragraph 1(1) there shall be substituted the following head—

“(d) any payments made by the parent’s employer in respect of any expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the parent’s employer in respect of—

(i) travelling expenses incurred by that parent between his home and place of employment; and

(ii) expenses incurred by that parent under arrangements made for the care of a member of his family owing to that parent’s absence from home;”.

(3) In sub-paragraph (3)(a) of paragraph 7, before the words “weekly earnings” there shall be inserted the word “normal”.

(4) After paragraph 14, there shall be inserted the following paragraph—

“**14A.**—(1) Subject to sub-paragraph (2), the amount of any earnings top-up paid to or in respect of the absent parent or the parent with care.

(2) Subject to sub-paragraphs (3) and (4), where earnings top-up is payable and the amount which is payable has been calculated by reference to the weekly earnings of either the absent parent and another person or the parent with care and another person—

(a) if during the period which is used to calculate his earnings under paragraph 2 or, as the case may be, paragraph 5, the normal weekly earnings of that parent exceed those of the other person, the amount payable by way of earnings top-up shall be treated as the income of that parent;

(b) if during that period, the normal weekly earnings of that parent equal those of the other person, half of the amount payable by way of earnings top-up shall be treated as the income of that parent;

(c) if during that period, the normal weekly earnings of that parent are less than those of that other person, the amount payable by way of earnings top-up shall not be treated as the income of that parent.

(3) Where any earnings top-up is in payment and, not later than the effective date, the person, or, if more than one, each of the persons by reference to whose engagement and normal engagement in remunerative work that payment has been calculated is no longer the partner of the person to whom that payment is made, the payment in question shall be treated as the income of the parent in question only where that parent is in receipt of it.

(4) Where earnings top-up is in payment and, not later than the effective date, either or both of the persons by reference to whose engagement and normal engagement in

remunerative work that payment has been calculated has ceased to be employed, half of the amount payable by way of earnings top-up shall be treated as the income of the parent in question.”

(5) In paragraph 15, after the words “Schedule” there shall be inserted the words “except payments or other amounts which are excluded from the definition of “earnings” by virtue of paragraph 1(2)”.