
STATUTORY INSTRUMENTS

2001 No. 156

The Child Support (Variations) Regulations 2000

PART IV

PROPERTY OR CAPITAL TRANSFERS

Prescription of terms

16.—(1) For the purposes of paragraphs 3(1)(a) and (b) of Schedule 4B to the Act—

(a) a court order means an order made—

(i) under one or more of the enactments listed in or prescribed under section 8(11) of the Act; and

(ii) in connection with the transfer of property of a kind defined in paragraph (2); and

(b) an agreement means a written agreement made in connection with the transfer of property of a kind defined in paragraph (2).

(2) Subject to paragraphs (3) and (4), for the purposes of paragraph 3(2) of Schedule 4B to the Act, a transfer of property is a transfer by the non-resident parent of his beneficial interest in any asset to the person with care, to the qualifying child, or to trustees where the object or one of the objects of the trust is the provision of maintenance.

(3) Where a transfer of property would not have fallen within paragraph (2) when made but the Secretary of State is satisfied that some or all of the amount of that property was subsequently transferred to the person currently with care of the qualifying child, the transfer of that property to the person currently with care shall constitute a transfer of property for the purposes of paragraph 3 of Schedule 4B to the Act.

(4) The minimum value for the purposes of paragraph 3(2) of Schedule 4B to the Act is the threshold amount which is £5000.

Value of a transfer of property—equivalent weekly value

17.—(1) Where the conditions specified in paragraph 3 of Schedule 4B to the Act are satisfied, the value of a transfer of property for the purposes of that paragraph shall be that part of the transfer made by the non-resident parent (making allowances for any transfer by the person with care to the non-resident parent) which the Secretary of State is satisfied is in lieu of periodical payments of maintenance.

(2) The Secretary of State shall, in determining the value of a transfer of property in accordance with paragraph (1), assume that, unless evidence to the contrary is provided to him—

(a) the person with care and the non-resident parent had equal beneficial interests in the asset in relation to which the court order or agreement was made;

(b) where the person with care was married to the non-resident parent, one half of the value of the transfer was a transfer for the benefit of the person with care; and

- (c) where the person with care has never been married to the non-resident parent, none of the value of the transfer was for the benefit of the person with care.
- (3) The equivalent weekly value of a transfer of property shall be determined in accordance with the provisions of the Schedule.
- (4) For the purposes of regulation 16 and this regulation, the term “maintenance” means the normal day-to-day living expenses of the qualifying child.
- (5) A variation falling within paragraph (1) shall cease to have effect at the end of the number of years of liability, as defined in paragraph 1 of the Schedule, for the case in question.