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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

**The Child Support Maintenance Calculation Regulations 2012**

**PART 4**

**THE MAINTENANCE CALCULATION RULES**

**CHAPTER 4**

**SPECIAL CASES**

**Child in care who is allowed to live with their parent**

**51.**—(1) Where the circumstances of a case are that a qualifying child who is in the care of a local authority in England and Wales is allowed by the authority to live with a parent of that child under section 22C(2) or 23(5) of the Children Act 1989<sup>(1)</sup>, that case is to be treated as a special case for the purposes of the 1991 Act.

(2) For the purposes of this case, section 3(3)(b) of the 1991 Act is to be modified so that, for the reference to the person who usually provides day to day care for the child there is substituted a reference to the parent of the child with whom the local authority has allowed the child to live.

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(1) 1989 c. 41. Section 22C(2) is inserted prospectively by the Children and Young Persons Act 2008 (c.23), section 8; when it is in force, it will replace section 23(5).