
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Child Support Maintenance Calculation Regulations 2012

PART 5

VARIATIONS

CHAPTER 1

GENERAL

Rejection of an application following preliminary consideration

57.—(1) The circumstances prescribed for the purposes of section 28B(2)(c) of the 1991 Act⁽¹⁾ (other circumstances in which an application may be rejected after preliminary consideration) are—

- (a) the applicant does not state a ground for the variation or provide sufficient information to enable a ground to be identified;
- (b) although a ground is stated, the Secretary of State is satisfied that the application would not be agreed to because —
 - (i) the facts alleged do not bring the case within the ground; or
 - (ii) no facts are alleged that would support the ground or could reasonably form the basis of further enquiries;
- (c) a default maintenance decision is in force;
- (d) the non-resident parent is liable to pay the flat rate or nil rate because the non-resident parent or their partner is in receipt of a benefit listed in regulation 44(2) (flat rate);
- (e) in the case of an application made by the non-resident parent on the grounds mentioned in Chapter 2 (special expenses)—
 - (i) the amount of the expenses does not exceed the relevant threshold;
 - (ii) the amount of maintenance for which the non-resident parent is liable is equal to or less than the flat rate referred to in paragraph 4(1) of Schedule 1 to the 1991 Act (or in that sub-paragraph as modified by regulations under paragraph 10A of Schedule 1);
 - (iii) the amount of the non-resident parent's gross weekly income would exceed the capped amount after deducting special expenses; or
 - (iv) the non resident parent's gross weekly income has been determined on the basis of regulation 42 (estimate of current income where insufficient information available);
or
- (f) in the case of an application on any of the grounds mentioned in Chapter 3 (additional income), the amount of the non-resident parent's gross weekly income (without taking that ground into account) is the capped amount.

⁽¹⁾ Section 28B was inserted by section 5(1) and (2) of the 2000 Act.

(2) The circumstances set out in paragraph (1) are circumstances prescribed for the purposes of section 28F(3)(b) of the 1991 Act in which the Secretary of State must not agree to a variation.