

## SCHEDULE

### NET WEEKLY INCOME

### PART III

### SELF-EMPLOYED EARNER

#### ***Rules for calculation under paragraph 8***

9.—(1) This paragraph applies only where the net income of a self-employed earner is calculated or estimated under paragraph 8 of this Schedule.

(2) Where—

- (a) a non-resident parent has been a self-employed earner for 52 weeks or more, including the relevant week, the amount of his net weekly income shall be determined by reference to the average of the earnings which he has received in the 52 weeks ending with the relevant week; or
- (b) a non-resident parent has been a self-employed earner for a period of less than 52 weeks including the relevant week, the amount of his net weekly income shall be determined by reference to the average of the earnings which he has received during that period.

(3) Where a calculation would, but for this sub-paragraph, produce an amount which, in the opinion of the Secretary of State, does not accurately reflect the normal weekly income of the non-resident parent in question, such earnings, or any part of them, shall be calculated by reference to such other period as may, in the particular case, enable the normal weekly earnings of the non-resident parent to be determined more accurately and for this purpose the Secretary of State shall have regard to—

- (a) the earnings from self-employment received, or due to be received, by him; and
- (b) the duration and pattern, or the expected duration and pattern, of any self-employment of that non-resident parent.

(4) Where a person has claimed, or has been paid, working families' tax credit or disabled person's tax credit on any day during the period beginning not earlier than 8 weeks before the relevant week and ending not later than the date on which the calculation is made, the Secretary of State may have regard to the amount of earnings taken into account in determining entitlement to those tax credits in order to calculate or estimate the amount of earnings to be taken into account for the purposes of calculating net income, notwithstanding the fact that entitlement to those tax credits may have been determined by reference to earnings attributable to a period other than that specified in sub-paragraph (2).

#### **Commencement Information**

**II** Sch. 1 para. 9 coming into force in accordance with {reg. 1(4)(5)}

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Maintenance Calculations and Special Cases) Regulations 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. para. 9(4) omitted by [S.I. 2003/328 reg. 8\(4\)\(b\)](#)
- Regulations applied (with modifications) by [S.I. 2010/1907 reg. 16\(2\)\(e\)\(iii\)\(3\)](#)
- Regulations revoked by [S.I. 2012/2785 reg. 10\(e\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. para. 13A added by [S.I. 2003/328 reg. 8\(4\)\(e\)](#)
- Sch. para. 17 added by [S.I. 2004/2415 reg. 7\(4\)](#)
- Sch. para. 4(1)(dd) comma substituted for word by [S.I. 2014/3255 art. 9\(a\)](#)
- Sch. para. 11(2A) inserted by [S.I. 2003/328 reg. 8\(4\)\(c\)\(iv\)](#)
- Sch. para. 4(1)(dd) inserted by [S.I. 2004/2415 reg. 7\(3\)](#)
- Sch. para. 4(2)(g)(iia) inserted by [S.I. 2004/3168 art. 54](#)
- Sch. para. 4(2)(g)(iib) inserted by [S.I. 2005/2060 Sch. para. 15\(b\)](#)
- Sch. para. 5(3)(4) inserted by [S.I. 2012/712 reg. 6\(5\)](#)
- Sch. para. 6A inserted by [S.I. 2012/712 reg. 6\(6\)](#)
- Sch. para. 9A inserted by [S.I. 2012/712 reg. 6\(7\)](#)
- Sch. para. 4(2)(g)(iia) inserted by [S.I. 2005/2929 art. 54](#)
- Sch. para. 4(1)(dd) words inserted by [S.I. 2014/3255 art. 9\(b\)](#)
- Sch. para. 6A(1)(2) words substituted by [S.I. 2012/2007 Sch. para. 114\(2\)](#)
- Sch. para. 9A(1)(2) words substituted by [S.I. 2012/2007 Sch. para. 114\(3\)](#)
- Sch. para. 4(2)(g)(iib) words substituted by [S.I. 2013/602 Sch. 2 para. 80](#)
- reg. 1(2)(a)(ii) words omitted by [S.I. 2008/2543 reg. 7\(2\)](#)
- reg. 4(g) and word added by [S.I. 2005/785 reg. 6\(2\)\(b\)](#)
- reg. 4(1)(f) and word added by [S.I. 2003/2779 reg. 6\(3\)\(b\)](#)
- reg. 4(1)(f) substituted by [S.I. 2005/2877 Sch. 4 para. 7\(3\)](#)
- reg. 4(1)(f) word omitted by [S.I. 2008/1554 reg. 61\(3\)\(a\)\(i\)](#)
- reg. 4(1)(g) word omitted by [S.I. 2015/1985 art. 19\(a\)](#)
- reg. 4(1)(h) and word added by [S.I. 2008/1554 reg. 61\(3\)\(a\)\(ii\)](#)
- reg. 4(1)(i) and word inserted by [S.I. 2015/1985 art. 19\(b\)](#)
- reg. 4(2)(c) and word added by [S.I. 2002/3019 reg. 27\(3\)](#)
- reg. 4(2)(d) and word added by [S.I. 2008/1554 reg. 61\(3\)\(b\)](#)
- reg. 4(2)(e) and word inserted by [S.I. 2013/630 reg. 43\(3\)\(a\)](#)
- reg. 4(4) inserted by [S.I. 2013/630 reg. 43\(3\)\(b\)](#)
- reg. 5(d)(iii)(iv) and semi-colon inserted by [S.I. 2013/630 reg. 43\(4\)](#)
- reg. 5(gg) inserted by [S.I. 2002/3019 reg. 27\(4\)](#)
- reg. 5(gg) word inserted by [S.I. 2005/785 reg. 6\(3\)\(a\)](#)
- reg. 8(3)(a) words in reg. 8(3) renumbered as reg. 8(3)(a) by [S.I. 2013/1517 reg. 6\(3\)](#)
- reg. 8(3)(b) inserted by [S.I. 2013/1517 reg. 6\(3\)](#)
- reg. 11(5) added by [S.I. 2003/2779 reg. 6\(5\)\(b\)](#)