
STATUTORY INSTRUMENTS

2001 No. 156

The Child Support (Variations) Regulations 2000

PART VI

**FACTORS TO BE TAKEN INTO ACCOUNT FOR
THE PURPOSES OF SECTION 28F OF THE ACT**

Factors to be taken into account and not to be taken into account

21.—(1) The factors to be taken into account in determining whether it would be just and equitable to agree to a variation in any case shall include—

- (a) where the application is made on any ground—
 - (i) whether, in the opinion of the Secretary of State, agreeing to a variation would be likely to result in a relevant person ceasing paid employment;
 - (ii) if the applicant is the non-resident parent, the extent, if any, of his liability to pay child maintenance under a court order or agreement in the period prior to the effective date of the maintenance calculation; and
- (b) where an application is made on the ground that the case falls within regulations 10 to 14 (special expenses), whether, in the opinion of the Secretary of State—
 - (i) the financial arrangements made by the non-resident parent could have been such as to enable the expenses to be paid without a variation being agreed; or
 - (ii) the non-resident parent has at his disposal financial resources which are currently utilised for the payment of expenses other than those arising from essential everyday requirements and which could be used to pay the expenses.

(2) The following factors are not to be taken into account in determining whether it would be just and equitable to agree to a variation in any case—

- (a) the fact that the conception of the qualifying child was not planned by one or both of the parents;
- (b) whether the non-resident parent or the person with care of the qualifying child was responsible for the breakdown of the relationship between them;
- (c) the fact that the non-resident parent or the person with care of the qualifying child has formed a new relationship with a person who is not a parent of that child;
- (d) the existence of particular arrangements for contact with the qualifying child, including whether any arrangements made are being adhered to;
- (e) the income or assets of any person other than the non-resident parent, other than the income or assets of a partner of the non-resident parent taken into account under regulation 20(3);
- (f) the failure by a non-resident parent to make payments of child support maintenance, or to make payments under a maintenance order or a written maintenance agreement; or
- (g) representations made by persons other than the relevant persons.