STATUTORY INSTRUMENTS

2008 No. 2551

The Child Support Information Regulations 2008

PART 2

DUTY TO PROVIDE INFORMATION

[[F1]Duty to notify increase in current income

9A.—(1) In a case falling within paragraphs (2) or (3), the Secretary of State may notify the non-resident parent that that parent is required to notify the Secretary of State of any relevant change of circumstances in relation to that income.

(2) A case falls within this paragraph if, in relation to a maintenance calculation in force—

(a) gross weekly income is determined by reference to the non-resident parent's current income as an employee or officeholder (in accordance with regulation 38 of the Maintenance Calculation Regulations); and

(b) paragraph 5(b) of Schedule 1 to the 1991 Act (nil rate) does not apply.

(3) A case falls within this paragraph if, in relation to a maintenance calculation in force—

(a) gross weekly income is determined by reference to the non-resident parent's current income (in accordance with regulation 37 of the Maintenance Calculation Regulations); and

(b) paragraph 5(b) of Schedule 1 to the 1991 Act applies (nil rate).

(4) A notification by the Secretary of State under paragraph (1) must be in writing.

(5) Where a relevant change of circumstances occurs after the non-resident parent has been notified of a requirement under paragraph (1), the non-resident parent must notify the Secretary of State of that change—

(a) within fourteen days beginning with the day on which the change occurs; or

(b) within such other period as the Secretary of State has specified in the notification.

(6) For the purposes of a case falling within paragraph (2), a relevant change of circumstances occurs where—

(a) the non-resident parent—

(i) commences a new employment or office; or

(ii) in relation to an existing employment or office, commences a new rate of remuneration or a new working pattern,

and could reasonably be expected to know that would result in an increased liability under the maintenance calculation in force if reported to the Secretary of State; or

(b) the non-resident parent receives from their employment or office the following number of consecutive payments, each of which (if it were taken as a weekly average) exceeds the gross weekly income taken into account in the maintenance calculation in force by 25% or more—

(i) five payments, in the case of a non-resident parent paid weekly;

(ii) three payments, in the case of a non-resident parent paid fortnightly;

(iii) two payments, in the case of a non-resident parent paid four weekly or monthly.

(7) The payments referred to in paragraph (6)(b) are the gross remuneration from the employment or office in question less any pension contributions deducted under net pay arrangements.

(8) In paragraph (7)—
" net pay arrangements " means arrangements for relief in respect of pension contributions under section 193 of the Finance Act 2004 .

(9) For the purposes of a case falling within paragraph (3), a relevant change of circumstances occurs where the non-resident parent's income increases to a gross weekly income of **[**[F2]£7**]** or more.

(10) For the purposes of paragraph (9), gross weekly income is to be calculated in accordance with regulation 45(2) of the Maintenance Calculation Regulations.**]**

Textual Amendments

F1 Reg. 9A inserted (10.12.2012 coming into force in accordance with reg. 1(4)) by The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785), regs. 1(4), **8(4)**

F2 Word in reg. 9A(9) substituted (3.7.2013 coming into force in accordance with reg. 1(2)(3)) by The Child Support and Claims and Payments (Miscellaneous Amendments and Change to the Minimum Amount of Liability) Regulations 2013 (S.I. 2013/1654), reg. 1(2)(3)**4**

Changes to legislation:
There are currently no known outstanding effects for the The Child Support Information Regulations 2008, Section 9A.