

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for a range of matters in relation to the calculation of child support maintenance under the Child Support Act 1991 (“the 1991 Act”). Together with the provisions of the 1991 Act as amended by the Child Maintenance and Other Payments Act 2008 (c.6) and other relevant legislation, they set out the rules and procedures for a new child support scheme.

Part 1 provides for general matters, including commencement, interpretation and the rules for rounding of calculations and service of documents. The Regulations come into force for new applications in relation to a particular case on the day on which paragraph 2 of Schedule 4 to the Child Maintenance and Other Payments Act 2008 (calculation by reference to gross weekly income) comes into force in relation to that type of case.

Part 2 provides for applications for child support maintenance, including the priority rules where more than one application is made in relation to the same child.

Part 3 deals with decision making. Chapter 1 sets out the general rules for setting the effective date for a maintenance calculation. Chapter 2 sets out the general rules relating to revision of decisions in accordance with section 16 of the 1991 Act. Chapter 3 sets out the circumstances in which a maintenance calculation may be adjusted by a supersession decision and the dates from which such decisions have effect. Chapter 4 provides for the updating of the gross weekly income figure on which a calculation has been based. Chapter 5 sets out the requirement to notify decisions.

Chapter 6 and the Schedule set out some miscellaneous matters in relation to appeals.

Part 4 contains provisions relating to the rules for calculation of child support maintenance, supplementing Part 1 of Schedule 1 to the 1991 Act. In particular Chapter 1 contains the rules for calculating the non-resident parent's gross weekly income by reference to information provided by Her Majesty's Revenue and Customs for the latest available tax year. Part 4 also provides for special cases, including provision for determining which parent is the non-resident parent where the care of a child is shared (regulation 50).

Part 5 provides for the variation of the rules for calculating child support maintenance. These include provision for reducing the amount payable where the non-resident parent has special expenses or increasing the amount payable if the non-resident parent has sources of income not otherwise taken into account or diverts income to another person or for another purpose.

Part 6 provides for the interpretation of various terms in the 1991 Act.

An assessment of the impact of these Regulations on the private sector and civil society organisations has been made. A copy of the impact assessment is available in the libraries of both Houses of Parliament, and is annexed to the Explanatory Memorandum which is available alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk). Copies may also be obtained from the Better Regulation Unit of the Department for Work and Pensions, 2D, Caxton House, Tothill Street, London, SW1H 9NA.

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012.