

STATUTORY INSTRUMENTS

2012 No. 2677

The Child Support Maintenance Calculation Regulations 2012

PART 5

VARIATIONS

CHAPTER 4

EFFECT OF VARIATION ON THE MAINTENANCE CALCULATION

Situations in which a variation previously agreed to may be taken into account in calculating maintenance liability

75.—(1) This regulation applies where—

- (a) a variation that has been agreed to has ceased to have effect in relation to the weekly amount of the non-resident parent's liability for child support maintenance because—
 - (i) the non-resident parent has become liable to pay child support maintenance at the nil rate, or another rate which means that the variation cannot be taken into account; or
 - (ii) the decision as to the maintenance calculation has been replaced with a default maintenance decision under section 12(1)(b) of the 1991 Act; and
- (b) the non-resident parent has subsequently become liable to pay a rate of child support maintenance which can be adjusted to take account of the variation by virtue of a decision under section 16(1B) or 17 of the 1991 Act.

(2) Where this regulation applies ^{F1}... the Secretary of State may, when making the decision referred to in paragraph (1)(b), take into account the effect of the variation upon the amount of liability for child support maintenance notwithstanding the fact that an application has not been made.

Textual Amendments

- F1** Words in Pt. 5 reg. 75(2) omitted (25.11.2013) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/1517\)](#), reg. 1(4)(5), **8(6)**

Commencement Information

- II** Reg. 75 wholly in force; reg. 75 not in force at made date; reg. 75 in force at 29.7.2013 for certain purposes and reg. 75 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

Changes to legislation:

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, Section 75.