

Status: Point in time view as at 10/12/2012. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Child Maintenance Act (Northern Ireland) 2008, SCHEDULE 1 is up to date with all changes known to be in force on or before 25 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 8.

CHANGES TO THE CALCULATION OF MAINTENANCE

Introductory

1 Part 1 of Schedule 1 to the Child Support Order (calculation of weekly amount of child support maintenance) is amended as follows.

Commencement Information

- I1** Sch. 1 para. 1 in operation at 3.12.2012 for specified purposes by S.R. 2012/423, art. 2(2)(d)
- I2** Sch. 1 para. 1 in operation at 10.12.2012 for specified purposes by S.R. 2012/440, arts. 2(1)(b), 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

Calculation by reference to gross weekly income

2 In Part 1 (under which the weekly amount of child support maintenance payable is calculated by reference to the non-resident parent's net weekly income), for “net”, in each place where it occurs, substitute “ gross ”.

Commencement Information

- I3** Sch. 1 para. 2 in operation at 3.12.2012 for specified purposes by S.R. 2012/423, art. 2(2)(d)
- I4** Sch. 1 para. 2 in operation at 10.12.2012 for specified purposes by S.R. 2012/440, arts. 2(1)(b), 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

Change to basic rate

3 For paragraph 2 (basic rate) substitute—

“**2.**—(1) Subject to sub-paragraph (2), the basic rate is the following percentage of the non-resident parent's gross weekly income—

- 12% where the non-resident parent has one qualifying child;
- 16% where the non-resident parent has 2 qualifying children;
- 19% where the non-resident parent has 3 or more qualifying children.

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(2) If the gross weekly income of the non-resident parent exceeds £800, the basic rate is the aggregate of the amount found by applying sub-paragraph (1) in relation to the first £800 of that income and the following percentage of the remainder—

- 9% where the non-resident parent has one qualifying child;
- 12% where the non-resident parent has 2 qualifying children;
- 15% where the non-resident parent has 3 or more qualifying children.

(3) If the non-resident parent also has one or more relevant other children, gross weekly income shall be treated for the purposes of sub-paragraphs (1) and (2) as reduced by the following percentage—

- 12% where the non-resident parent has one relevant other child;
- 16% where the non-resident parent has 2 relevant other children;
- 19% where the non-resident parent has 3 or more relevant other children.”.

Commencement Information

- I5** Sch. 1 para. 3 in operation at 10.12.2012 for specified purposes by S.R. 2012/440, arts. 2(1)(b), 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

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Increase in flat rate and minimum amounts of liability

4 In the following provisions, for “£5” substitute “ £7 ”

- (a) paragraph 3(3) (minimum amount of liability in the case of reduced rate);
- (b) paragraph 4(1) (amount of flat rate of liability);
- (c) paragraph 7(7) (minimum amount of liability in the case of basic and reduced rates where reduction because of shared care applies)

Applicable rate where non-resident parent party to other maintenance arrangement

5.—(1) In paragraph 1(1) (under which the weekly rate of child support maintenance is the basic rate unless a reduced rate, a flat rate or a nil rate applies), at the beginning insert “ Subject to paragraph 5A, ”.

(2) After paragraph 5 insert—

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“Non-resident parent party to other maintenance arrangement

5A.—(1) This paragraph applies where—

- (a) the non-resident parent is a party to a qualifying maintenance arrangement with respect to a child of the non-resident parent who is not a qualifying child, and
- (b) the weekly rate of child support maintenance apart from this paragraph would be the basic rate or a reduced rate or calculated following agreement to a variation where the rate would otherwise be a flat rate or the nil rate.

(2) The weekly rate of child support maintenance is the greater of £7 and the amount found as follows.

(3) First, calculate the amount which would be payable if the non-resident parent's qualifying children also included every child with respect to whom the non-resident parent is a party to a qualifying maintenance arrangement.

(4) Second, divide the amount so calculated by the number of children taken into account for the purposes of the calculation.

(5) Third, multiply the amount so found by the number of children who, for purposes other than the calculation under sub-paragraph (3), are qualifying children of the non-resident parent.

(6) For the purposes of this paragraph, the non-resident parent is a party to a qualifying maintenance arrangement with respect to a child if the non-resident parent is—

- (a) liable to pay maintenance for the child under a maintenance order, or
- (b) a party to an agreement of a prescribed description which provides for the non-resident parent to make payments for the benefit of the child,

and the child is habitually resident in the United Kingdom.”.

Commencement Information

- I6** Sch. 1 para. 5 in operation at 10.12.2012 for specified purposes by [S.R. 2012/440](#), **arts. 2(1)(b), 3** (with [art. 4](#)) (as modified (30.6.2014) by [S.R. 2014/194](#), art. 4)
- I7** Sch. 1 para. 5(2) in operation at 3.12.2012 for specified purposes by [S.R. 2012/423](#), **art. 2(2)(d)**

Shared care

6 In paragraph 7(2) (circumstances in which decrease for shared care applies in cases where child support maintenance is payable at the basic rate or a reduced rate), for “If the care of a qualifying child is shared” substitute “ If the care of a qualifying child is, or is to be, shared ”.

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- I8** Sch. 1 para. 6 in operation at 10.12.2012 for specified purposes by S.R. 2012/440, arts. 2(1)(b), 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

7 In paragraph 8(2) (circumstances in which decrease for shared care applies in cases where child support maintenance payable at a flat rate), for “If the care of a qualifying child is shared” substitute “ If the care of a qualifying child is, or is to be, shared ”

Commencement Information

- I9** Sch. 1 para. 7 in operation at 3.12.2012 for specified purposes by S.R. 2012/423, art. 2(2)(d)
I10 Sch. 1 para. 7 in operation at 10.12.2012 for specified purposes by S.R. 2012/440, arts. 2(1)(b), 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

8.—(1) In paragraph 9 (regulations about shared care), the existing provision becomes sub-paragraph (1).

(2) In that sub-paragraph, before paragraph (a) insert—

“(za) for how it is to be determined whether the care of a qualifying child is to be shared as mentioned in paragraph 7(2);”.

(3) In that sub-paragraph, after paragraph (b) insert—

“(ba) for how it is to be determined how many nights count for those purposes;”.

(4) After that sub-paragraph add—

“(2) Regulations under sub-paragraph (1)(ba) may include provision enabling the Department to proceed for a prescribed period on the basis of a prescribed assumption.”.

Commencement Information

- I11** Sch. 1 para. 8 in operation at 3.12.2012 for specified purposes by S.R. 2012/423, art. 2(2)(d)
I12 Sch. 1 para. 8 in operation at 10.12.2012 for specified purposes by S.R. 2012/440, arts. 2(1)(b), 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

Weekly income

9 In paragraph 10 (which confers power to make regulations about the manner in which weekly income is to be determined), for sub-paragraph (2) substitute—

“(2) The regulations may, in particular—

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- (a) provide for determination in prescribed circumstances by reference to income of a prescribed description in a prescribed past period;
- (b) provide for the Department to estimate any income or make an assumption as to any fact where, in its view, the information at its disposal is unreliable or insufficient, or relates to an atypical period in the life of the non-resident parent.”.

Commencement Information

- I13** Sch. 1 para. 9 in operation at 3.12.2012 for specified purposes by S.R. 2012/423, art. 2(2)(d)
- I14** Sch. 1 para. 9 in operation at 10.12.2012 for specified purposes by S.R. 2012/440, arts. 2(1)(b), 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

10 In paragraph 10(3) (under which weekly income over £2,000 is to be ignored for the purposes of Schedule 1), for “£2,000” substitute “ £3,000 ”.

Commencement Information

- I15** Sch. 1 para. 10 in operation at 10.12.2012 for specified purposes by S.R. 2012/440, arts. 2(1)(b), 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

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