

## SCHEDULE 2

Regulation 4(1)

### Multiple applications

#### **No maintenance calculation in force: more than one application for a maintenance calculation by the same person under Article 7 or 9 or under Articles 7 and 9 of the Order**

1.—(1) Where an effective application is made or treated as made, as the case may be, for a maintenance calculation under Article 7 or 9 of the Order<sup>(1)</sup> and, before that calculation is made, the applicant makes a subsequent effective application under that Article with respect to the same non-resident parent or person with care, as the case may be, those applications shall be treated as a single application.

(2) Where an effective application for a maintenance calculation is made, or treated as made, as the case may be, by a person with care—

- (a) under Article 7 of the Order; or
- (b) under Article 9 of the Order,

and, before that maintenance calculation is made, the person with care—

- (i) in a case falling within head (a), is treated as making an application under Article 9 of the Order, or
- (ii) in a case falling within head (b), makes a subsequent effective application under Article 7 of the Order,

with respect to the same non-resident parent, those applications shall, if the person with care does not cease to fall within Article 9(1) of the Order, be treated as a single application under Article 9 of the Order, and shall otherwise be treated as a single application under Article 7 of the Order.

#### **No maintenance calculation in force: applications by different persons for a maintenance calculation**

2.—(1) Where the Department receives more than one effective application for a maintenance calculation with respect to the same person with care and non-resident parent, it shall, if no maintenance calculation has been made in relation to any of the applications, determine which application it shall proceed with in accordance with sub-paragraphs (2) to (8).

(2) Where an application by a person with care is made under Article 7 of the Order or is treated as made under Article 9 of the Order, and an application is made by a non-resident parent under Article 7 of the Order, the Department shall proceed with the application of the person with care.

(3) Where there are two non-resident parents in respect of the same qualifying child and an effective application is received from each such person, the Department shall proceed with both applications, treating them as a single application for a maintenance calculation.

(4) Where an application is treated as having been made by a parent with care under Article 9 of the Order and there is an application under Article 7 of the Order by another person with care who has parental responsibility for the qualifying child or qualifying children with respect to whom the application under Article 9 of the Order was treated as made, the Department shall proceed with the application under Article 9 of the Order by the parent with care.

(5) Where—

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(1) Article 7 was amended by Article 12(1) of the Child Support (Northern Ireland) Order 1995 and section 2 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and Article 9 is substituted by section 3 of that Act

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- (a) more than one person with care makes an application for a maintenance calculation under Article 7 of the Order in respect of the same qualifying child or qualifying children (whether or not any of those applications is also in respect of other qualifying children);
- (b) each such person has parental responsibility for that child or children; and
- (c) under the provisions of regulation 8 of the Maintenance Calculations and Special Cases Regulations one of those persons is to be treated as a non-resident parent,

the Department shall proceed with the application of the person who does not fall to be treated as a non-resident parent under the provisions of regulation 8 of those Regulations.

(6) Where, in a case falling within sub-paragraph (5), there is more than one person who does not fall to be treated as a non-resident parent under the provisions of regulation 8 of the Maintenance Calculations and Special Cases Regulations, the Department shall apply the provisions of sub-paragraph (7) to determine which application it shall proceed with.

(7) Where—

- (a) more than one person with care makes an application for a maintenance calculation under Article 7 of the Order in respect of the same qualifying child or qualifying children (whether or not any of those applications is also in respect of other qualifying children); and
- (b) either—
  - (i) none of those persons has parental responsibility for that child or children, or
  - (ii) the case falls within sub-paragraph (5)(b) but the Department has not been able to determine which application it is to proceed with under the provisions of sub-paragraph (5),

the Department shall proceed with the application of the principal provider of day to day care, as determined in accordance with sub-paragraph (8).

(8) Where—

- (a) the applications are in respect of one qualifying child, the application of that person with care to whom child benefit is paid in respect of that child;
- (b) the applications are in respect of more than one qualifying child, the application of that person with care to whom child benefit is paid in respect of those children;
- (c) the Department cannot determine which application it is to proceed with under head (a) or (b) the application of that applicant who in the opinion of the Department is the principal provider of day to day care for the child or children in question.

(9) Subject to sub-paragraph (10), where, in any case falling within sub-paragraphs (2) to (7), the applications are not in respect of identical qualifying children, the application that the Department is to proceed with as determined by those sub-paragraphs shall be treated as an application with respect to all of the qualifying children with respect to whom the applications were made.

(10) Where the Department is satisfied that the same person with care does not provide the principal day to day care for all of the qualifying children with respect to whom an application would but for the provisions of this paragraph be made under sub-paragraph (9), it shall make separate maintenance calculations in relation to each person with care providing such principal day to day care.

(11) For the purposes of this paragraph “day to day care” has the same meaning as in the Maintenance Calculations and Special Cases Regulations.

**Maintenance calculation in force: subsequent application with respect to the same persons**

3. Where a maintenance calculation is in force and a subsequent application is made or treated as made, as the case may be, under the same Article of the Order for a maintenance calculation with respect to the same person with care, non-resident parent, and qualifying child or qualifying children as those with respect to whom the maintenance calculation in force has been made, that application shall not be proceeded with.