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*Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Paragraph 5. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 4

#### CHANGES TO THE CALCULATION OF MAINTENANCE

##### *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—

##### *“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 his 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 or aliment 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.”

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**Modifications etc. (not altering text)**

- C1** Sch. 4 para. 5 partly in force; Sch. 4 para. 5 not in force at Royal Assent see s. 62; Sch. 4 para. 5(2) in force for certain purposes at 8.10.12 by S.I. 2012/2523, **art. 2(2)(b)**; Sch. 4 para. 5 in force for certain further purposes at 10.12.2012 by S.I. 2012/3042, **art. 2(b)**

**Commencement Information**

- I1** Sch. 4 para. 5 in force at 29.7.2013 for specified purposes by S.I. 2013/1860, **arts. 2(b)**, 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7)
- I2** Sch. 4 para. 5 in force at 25.11.2013 in so far as not already in force by S.I. 2013/2947, **art. 2(a)** (with arts. 3-5)

**Changes to legislation:**

There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Paragraph 5.