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*Changes to legislation: Child Maintenance Act (Northern Ireland) 2008, Cross Heading: Applicable rate where non-resident parent party to other maintenance arrangement is up to date with all changes known to be in force on or before 01 October 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) View outstanding changes*

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## SCHEDULES

### SCHEDULE 1

#### 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 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—

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- (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

- I1** 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)
- I2** Sch. 1 para. 5 in operation at 29.7.2013 for specified purposes by [S.R. 2013/201](#), **arts. 2(1)(b), 3** (with [art. 4](#)) (as modified (30.6.2014) by [S.R. 2014/194](#), art. 5)
- I3** Sch. 1 para. 5 in operation at 25.11.2013 in so far as not already in operation by [S.R. 2013/276](#), **art. 2(a)** (with [arts. 3-5](#))
- I4** Sch. 1 para. 5(2) in operation at 3.12.2012 for specified purposes by [S.R. 2012/423](#), **art. 2(2)(d)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SR 2012/440 art. 3 by [S.R. 2014/194 art. 4](#)
- specified provision(s) amendment to earlier commencing SR 2013/201 art. 3 by [S.R. 2014/194 art. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(3) inserted by [S.I. 2015/2006 \(N.I.\) art. 126\(2\)](#)