

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—

- (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.”.