
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the provisions in Schedule 1 to the Child Support Act 1991 (c. 48) (“the 1991 Act”) relating to the calculation of the basic rate of maintenance and the minimum amount of liability where the non-resident parent is party to another maintenance arrangement.

Paragraph 3 of Schedule 4 to the Child Maintenance and Other Payments Act 2008 (c. 6) (“the 2008 Act”) substitutes a new paragraph 2 of Schedule 1 to the 1991 Act. Under paragraph 2, the basic rate is calculated by applying a percentage to the non-resident parent’s gross weekly income. For the purposes of this calculation, paragraph 2(3) provides that, where the non-resident parent has one or more relevant other children, the non-resident parent’s weekly income is reduced by a given percentage.

Where paragraph 3 comes into force in relation to a particular case, regulation 2 provides that paragraph 2(3) of Schedule 1 to the 1991 Act has effect in relation to that case as if, for the percentage reductions of 12% (1 relevant other child), 16% (2 relevant other children) and 19% (3 or more relevant other children), there were substituted the percentages of 11%, 14% and 16% respectively.

Under paragraph 4 of Schedule 1 to the 1991 Act, the flat rate of maintenance is £5 a week and, under other provisions of Schedule 1, the minimum amount of liability for various purposes is also £5 a week.

Paragraph 5 of Schedule 4 to the 2008 Act inserts a new paragraph 5A into Schedule 1 of the 1991 Act. Paragraph 5A provides that, where a non-resident parent is party to another maintenance agreement, the minimum amount of liability is £7 a week (however, it is proposed that, on the initial commencement of paragraph 5 of Schedule 4, the flat rate of maintenance and the minimum amount of liability will be £5 a week).

Where paragraph 5 comes into force in relation to a particular case, regulation 3 provides that paragraph 5A(2) of Schedule 1 to the 1991 Act has effect in relation to that case as if for the figure of £7 there were substituted the figure of £5. The net effect is that the minimum amount of liability under paragraph 5A is £5 a week.

A full impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.