
STATUTORY INSTRUMENTS

2012 No. 2677

The Child Support Maintenance Calculation Regulations 2012

PART 4

THE MAINTENANCE CALCULATION RULES

CHAPTER 2

RATES OF CHILD SUPPORT MAINTENANCE

Reduced Rate

43. The reduced rate is an amount calculated as follows—

$$F + (A \times T)$$

where—

F is the flat rate liability applicable to the non-resident parent;

A is the amount of the non-resident parent's gross weekly income between £100 and £200; and

T is the percentage determined in accordance with the following Table—

	[^{F1} Number of relevant other children of the non-resident parent	T (%)
1 qualifying child of the non-resident parent	0	17.0
	1	14.1
	2	13.2
	3 or more	12.4
2 qualifying children of the non- resident parent	0	25.0
	1	21.2
	2	19.9
	3 or more	18.9
3 or more qualifying children of the non-resident parent	0	31.0
	1	26.4
	2	24.9
	3 or more	23.8]

F1 Reg. 43 substituted (coming into force in accordance with reg. 1(2)(3) of the amending S.I.) by [The Child Support and Claims and Payments \(Miscellaneous Amendments and Change to the Minimum Amount of Liability\) Regulations 2013 \(S.I. 2013/1654\), reg. 1\(2\)\(3\), 5\(2\)](#)

Commencement Information

II Reg. 43 wholly in force; reg. 43 not in force at made date; reg. 43 in force at 29.7.2013 for certain purposes and reg. 43 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

Flat Rate

44.—(1) The following benefits, pensions or allowances are prescribed for the purposes of paragraph 4(1)(b) of Schedule 1 to the 1991 Act ^{M1} (that is the benefits, pensions or allowances that qualify the non-resident parent for the flat rate)—

- (a) under the Social Security Contributions and Benefits Act 1992 ^{M2}—
- ^{F2}(i)
 - (ii) category A retirement pension under section 44 ^{M3},
 - (iii) category B retirement pension under section 48C ^{M4},
 - (iv) category C and category D retirement pension under section 78 ^{M5},
 - (v) incapacity benefit under section 30A ^{M6},
 - (vi) carer's allowance under section 70 ^{M7},
 - (vii) maternity allowance under section 35 [^{F3}or 35B] ^{M8},
 - (viii) severe disablement allowance under section 68 ^{M9},
 - (ix) industrial injuries benefit under section 94,
 - (x) widowed mother's allowance under section 37 ^{M10},
 - (xi) widowed parent's allowance under section 39A ^{M11}, and
 - (xii) widow's pension under section 38 ^{M12};
- (b) contribution-based jobseeker's allowance under the Jobseekers Act 1995 ^{M13};
- (c) a social security benefit paid by a country other than the United Kingdom;
- (d) a training allowance (other than work-based training for young people or, in Scotland, Skillseekers training);
- (e) a war disablement pension within the meaning of section 150(2) of the Social Security Contributions and Benefits Act 1992 ^{M14} or a pension which is analogous to such a pension paid by the government of a country outside Great Britain;
- (f) a war widow's pension, war widower's pension or surviving civil partner's war pension within the meaning of that section ^{M15};
- (g) a payment under a scheme mentioned in section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004 ^{M16} (compensation schemes for armed and reserve forces); ^{F4}...
- (h) contributory employment and support allowance [^{F5}, ^{F6}...]
- (i) a state pension under Part 1 of the Pensions Act 2014 [^{F7} and].]
- ^{F8}(j) carer support payment under the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023.]

(2) The following benefits are prescribed for the purposes of paragraph 4(1)(c) of Schedule 1 to the 1991 Act (that is the benefits that qualify the non-resident parent for the flat rate if received by the non-resident parent or their partner)—

- (a) income support;
- (b) income-based jobseeker's allowance;
- (c) income-related employment and support allowance; ^{F9} ...
- (d) state pension credit; [^{F10} and]

[^{F10}(e) universal credit under Part 1 of the Welfare Reform Act 2012, where the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income]

(3) Where the conditions referred to in paragraph 4(2) of Schedule 1 to the 1991 Act are satisfied (that is where an income-related benefit is payable to the non-resident parent or their partner and a maintenance calculation is in force in respect of each of them) the flat rate of maintenance payable is half the flat rate that would otherwise apply.

(4) In paragraph (1)(d) “training allowance” means a payment under section 2 of the Employment and Training Act 1973 ^{M17} or section 2 of the Enterprise and New Towns (Scotland) Act 1990 ^{M18} which is paid to a person for their maintenance while they are undergoing training.

[^{F11}(5) For the purposes of paragraph (2)(e) and regulation 45(1)(c), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.]

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| F2 | Pt. 4 reg. 44(1)(a)(i) omitted (coming into force in accordance with art. 1-3 of the amending S.I.) by virtue of The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422) , arts. 1(2), 40 |
| F3 | Words in Pt. 4 reg. 44(1)(a)(vii) inserted (18.5.2014) by The Social Security (Maternity Allowance) (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/884) , regs. 1, 3(3) |
| F4 | Word in Pt. 4 reg. 44(1)(g) omitted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by virtue of The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985) , arts. 1(2)(b), 38(a) |
| F5 | Pt. 4 reg. 44(1)(i) and word inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985) , arts. 1(2)(b), 38(b) |
| F6 | Word in reg. 44(1)(h) omitted (19.11.2023) by virtue of The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218) , arts. 1(2), 22(a) |
| F7 | Word in reg. 44(1)(i) inserted (19.11.2023) by The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218) , arts. 1(2), 22(b) |
| F8 | Reg. 44(1)(j) inserted (19.11.2023) by The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218) , arts. 1(2), 22(c) |
| F9 | Word in Pt. 4 reg. 44(2) omitted (29.4.2013) by virtue of The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630) , regs. 1(2), 44(3)(a) |
| F10 | Pt. 4 reg. 44(2)(e) and word inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630) , regs. 1(2), 44(3)(a) |
| F11 | Pt. 4 reg. 44(5) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630) , regs. 1(2), 44(3)(b) |

Commencement Information

- I2** Reg. 44 wholly in force; reg. 44 not in force at made date; reg. 44 in force at 29.7.2013 for certain purposes and reg. 44 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and S.I. 2013/2947

Marginal Citations

- M1** Paragraph 4 of Schedule 1 was amended by paragraphs 1 and 2 of Schedule 4 to the [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#).
- M2** 1992 c. 4.
- M3** Section 44 was amended by section 6 of, and paragraphs 2 and 3 of Schedule 4 to, the [Social Security \(Consequential Provisions\) Act 1992 \(c.6\)](#), [section 190](#) of, and paragraph 38 of Schedule 8 to, the [Pension Schemes Act 1993 \(c. 48\)](#), [section 128\(1\)](#) and (2) of the [Pensions Act 1995 \(c. 26\)](#), [section 68](#) of the [Social Security Act 1998 \(c.14\)](#), [sections 30\(2\)](#) and 35(1) and (5) to (7) of the [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#) (“the 2000 Act”), section 6 of, and paragraphs 1 and 10 of Schedule 1 to, the [National Insurance Contributions Act 2002 \(c.19\)](#), [sections 1\(4\)](#), 11(5)(c) and 12(2) of, and paragraph 1 of Schedule 1 and paragraph 5 of Schedule 2 to, the [Pensions Act 2007 \(c.22\)](#), [section 3\(1\)](#) and (3) of the [National Insurance Contributions Act 2008 \(c.16\)](#) and article 4 of S.I. 2012/780.
- M4** Section 48C was inserted by section 126 of, and paragraph 3(1) of Schedule 4 to, the [Pensions Act 1995 \(c. 26\)](#). It was amended by sections 70 and 84(1) of, and paragraphs 2 and 7 of Schedule 8 and paragraphs 14 and 21 of Schedule 12 to, the [Welfare Reform and Pensions Act 1999 \(c.30\)](#) (“the 1999 Act”) and sections 35(1) and (12) and 39(1)(a) and (2)(b) of the 2000 Act, section 11(5)(c) of, and paragraph 10 of Schedule 2 to, the [Pensions Act 2007 \(c. 22\)](#) and S.I. 2005/2053.
- M5** Section 78 was amended by section 60 of, and Schedule 6 to, the [Tax Credits Act 2002 \(c.21\)](#) and sections 4(3) and 27(2) of, and paragraph 13 of Schedule 1, and Part 2 of Schedule 7 to, the [Pensions Act 2007 \(c.22\)](#).
- M6** Section 30A was inserted by section 1(1) of the [Social Security \(Incapacity for Work\) Act 1994 \(c.18\)](#). It was amended by section 64 of the 1999 Act and section 254(1) of, and paragraph 14 of Schedule 24 to, the [Civil Partnership Act 2004 \(c.33\)](#).
- M7** Section 70 was amended by S.I. 1994/2556, 2002/1457 and 2011/2426.
- M8** Section 35 was amended by section 2 of the [Still-Birth \(Definition\) Act 1992 \(c.92\)](#), [section 67](#) of the [Social Security Act 1998 \(c.14\)](#), [section 53\(1\)](#) and (2) of the 1999 Act, section 53 of, and paragraphs 2 and 4 of Schedule 7 to, the [Employment Act 2002 \(c.22\)](#), [section 11\(1\)](#) of, and paragraph 6 of Schedule 1 to, the [Work and Families Act 2006 \(c.18\)](#) and S.I. 1994/1230.
- M9** Section 68 was repealed by section 65 of the 1999 Act with savings in S.I. 2000/2958.
- M10** Section 37 was amended by sections 254(1) and 261(4) of, and paragraph 18 of Schedule 24, and Schedule 30, to, the [Civil Partnership Act 2004 \(c.33\)](#), [section 1\(3\)](#) of, and paragraphs 1 and 2 of Schedule 1 to, the [Child Benefit Act 2005 \(c.6\)](#) and sections 50 and 67 of, and Schedule 8 to, the [Welfare Reform Act 2007 \(c.5\)](#).
- M11** Section 39A was inserted by section 55(2) of the 1999 Act. It was amended by sections 254(1) and 261(4) of, and paragraph 20 of Schedule 24, and Schedule 30, to the [Civil Partnership Act 2004 \(c. 33\)](#), [section 1\(3\)](#) of, and paragraphs 1 and 3 of Schedule 1 to, the [Child Benefit Act 2005 \(c. 6\)](#) and section 51 of the [Welfare Reform Act 2007 \(c. 5\)](#).
- M12** Section 38 was amended by sections 254(1) and 261(4) of, and paragraph 19 of Schedule 24, and Schedule 30, to the [Civil Partnership Act 2004 \(c.33\)](#) and section 13(2) of, and paragraph 40 of Schedule 1 to, the [Pensions Act 2007 \(c.22\)](#).
- M13** 1995 c. 18.
- M14** Relevant amendments were made to section 150(2) by section 722 of, and paragraphs 169 and 180(1) and (3) of Schedule 6 to, the [Income Tax \(Earnings and Pensions\) Act 2003 \(c.1\)](#).
- M15** Relevant amendments were made to section 150 by section 722 of, and paragraphs 169 and 180(1) and (4) of Schedule 6 to, the [Income Tax \(Earnings and Pensions\) Act 2003 \(c.1\)](#) and section 254(1) of, and paragraph 49 of Schedule 24 to, the [Civil Partnership Act 2004 \(c.33\)](#).

M16 2004 c. 32.

M17 1973 c.50. Section 2 was substituted by section 25(1) of the [Employment Act 1988 \(c.19\)](#). It was amended by section 29(4) of, and Part 1 of Schedule 7 to, the [Employment Act 1989 \(c.38\)](#).

M18 1990 c.35. Section 2 was amended by sections 47 and 51 of, and Schedule 10 to, the [Trade Union Reform and Employment Rights Act 1993 \(c.19\)](#), [section 211\(1\)](#) of, and paragraphs 19 and 20 of Schedule 26 to, the [Equality Act 2010 \(c.15\)](#) (as inserted by [S.I. 2010/2279](#)) and [S.I.1999/1820](#).

Nil rate

45.—(1) The nil rate is payable where the non-resident parent is—

- (a) a child;
- (b) a prisoner or a person serving a sentence of imprisonment detained in hospital;
- (c) a person who is 16 or 17 years old and—
 - (i) in receipt of income support, income-based jobseeker's allowance or income-related employment and support allowance,^{F12}...
 - (ii) a member of a couple whose partner is in receipt of income support, income-based jobseeker's allowance or income-related employment and support allowance;
 - ^{F13}(iii) in receipt of universal credit under Part 1 of the Welfare Reform Act 2012, where the award of universal credit is calculated on the basis that they do not have any earned income; or
 - (iv) in a case not covered by paragraph (iii), a member of a couple where their partner is in receipt of universal credit under Part 1 of the Welfare Reform Act 2012 and the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income]
- (d) a person receiving an allowance in respect of work-based training for young people, or in Scotland, Skillseekers training; or
- (e) a person who is resident in a care home or an independent hospital or is being provided with a care home service or an independent health care service who—
 - (i) is in receipt of a pension, benefit or allowance specified in regulation 44(1) or (2) (flat rate), or
 - (ii) has the whole or part of the cost of their accommodation met by a local authority.

(2) For the purposes only of determining whether paragraph 5(b) of Schedule 1 to the 1991 Act^{M19} applies (nil rate payable where non-resident parent has gross weekly income of below the flat rate that is referred to in, or prescribed for the purposes of, paragraph 4(1) of Schedule 1 to the 1991 Act), the gross weekly income of the non-resident parent is to include any payments made by way of benefits, pensions or allowances referred to in regulation 44(1) or (2).

(3) In paragraph (1)—

^{F14}“care home” in England has the meaning given by section 3 of the Care Standards Act 2000;]

“care home service” ^{F15}[in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over and in Scotland] has the meaning given by paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010^{M20} and “independent health care service” has the meaning given by section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978^{M21};

^{F16}“independent hospital” has the meaning given by section 2 of the Care Standards Act 2000;]

- “person serving a sentence of imprisonment detained in hospital” means a person who—
- (a) is being detained—
 - (i) under section 45A or 47 of the Mental Health Act 1983 ^{M22}; and
 - (ii) before the day which the Secretary of State certifies to be that person's release date within the meaning of section 50(3) of that Act ^{M23} (in any case where there is such a release date); or
 - (b) is being detained under—
 - (i) section 59A of the Criminal Procedure (Scotland) Act 1995 ^{M24}; or
 - (ii) section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 ^{M25};
- “prisoner” means a person who—
- (c) is detained in custody pending trial or sentence upon conviction or under sentence imposed by a court; or
 - (d) is on temporary release in accordance with the provisions of the Prison Act 1952 ^{M26} or the Prisons (Scotland) Act 1989 ^{M27},

other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 or, in Scotland, the Mental Health (Care and Treatment)(Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995.

- F12** Word in Pt. 4 reg. 45(1)(c) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), [44\(4\)](#)
- F13** Pt. 4 reg. 45(1)(c)(iii)(iv) and semi-colon inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), [44\(4\)](#)
- F14** Words in Pt. 4 reg. 45(3) substituted (2.4.2018) by [The Social Security and Child Support \(Regulation and Inspection of Social Care \(Wales\) Act 2016\) \(Consequential Provision\) Regulations 2018 \(S.I. 2018/228\)](#), regs. 1, [13\(2\)\(a\)](#)
- F15** Words in Pt. 4 reg. 45(3) inserted (2.4.2018) by [The Social Security and Child Support \(Regulation and Inspection of Social Care \(Wales\) Act 2016\) \(Consequential Provision\) Regulations 2018 \(S.I. 2018/228\)](#), regs. 1, [13\(2\)\(b\)](#)
- F16** Words in Pt. 4 reg. 45(3) inserted (2.4.2018) by [The Social Security and Child Support \(Regulation and Inspection of Social Care \(Wales\) Act 2016\) \(Consequential Provision\) Regulations 2018 \(S.I. 2018/228\)](#), regs. 1, [13\(2\)\(c\)](#)

Commencement Information

- I3** Reg. 45 wholly in force; reg. 45 not in force at made date; reg. 45 in force at 29.7.2013 for certain purposes and reg. 45 in force at 25.11.2013 in so far as not already in force, see reg. 1, [SI 2013/1860](#) and [S.I. 2013/2947](#)

Marginal Citations

- M19** Paragraph 5 of Schedule 1 was amended by paragraphs 1 and 2 of Schedule 4 to the [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#) (“the 2008 Act”).
- M20** [2010 asp 8](#).
- M21** [1978 c. 29](#). Section 10F was inserted by section 108 of the [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#).
- M22** [1983 c. 20](#). Section 45A was inserted by section 46 of the [Crime \(Sentences\) Act 1997 \(c. 43\)](#) and amended by sections 304 and 332 of, and paragraphs 37 and 39 of Schedule 32 and Part 7 of Schedule 37 to, the [Criminal Justice Act 2003 \(c. 44\)](#) and sections 1(4), 4(1) and (6), 10(1) and (8)

and section 53 of, and paragraphs 1 and 9 of Schedule 1 and Part 1 of Schedule 11 to, the [Mental Health Act 2007 \(c. 12\)](#). Section 47 was amended by sections 49(3) and 56(2) of, and Schedule 6 to, the [Crime \(Sentences\) Act 1997 \(c. 43\)](#), [section 58\(1\)](#) of, and paragraph 18 of Schedule 10 to, the [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [section 378\(1\)](#) of, and paragraph 97 of Schedule 16 to, the [Armed Forces Act 2006 \(c. 52\)](#) and sections 1(4), 4(1) and (7) and 55 of, and paragraphs 1 and 10 of Schedule 1 and Part 1 of Schedule 11 to, the [Mental Health Act 2007](#).

M23 Section 50(3) was substituted by section 294(1) and (3) of the [Criminal Justice Act 2003 \(c. 44\)](#).

M24 1995 c.46. Section 59A was substituted by paragraph 8(6) of Schedule 4 to the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#).

M25 2003 asp 13.

M26 1952 c. 52.

M27 1989 c. 45.

Decrease for shared care

46.—(1) This regulation and regulation 47 apply where the Secretary of State determines the number of nights which count for the purposes of the decrease in the amount of child support maintenance under paragraphs 7 and 8 of Schedule 1 to the 1991 Act ^{M28}.

(2) Subject to paragraph (3), the determination is to be based on the number of nights for which the non-resident parent is expected to have the care of the qualifying child overnight during the 12 months beginning with the effective date of the relevant calculation decision.

(3) The Secretary of State may have regard to a period of less than 12 months where the Secretary of State considers a shorter period is appropriate (for example where the parties have an agreement in relation to a shorter period) and, if the Secretary of State does so, paragraphs 7(3) and 8(2) of Schedule 1 to the 1991 Act are to have effect as if—

- (a) the period mentioned there were that shorter period; and
- (b) the number of nights mentioned in the Table in paragraph 7(4), or in paragraph 8(2), of that Schedule were reduced proportionately.

(4) When making a determination under paragraphs (1) to (3) the Secretary of State must consider—

- (a) the terms of any agreement made between the parties or of any court order providing for contact between the non-resident parent and the qualifying child; or
- (b) if there is no agreement or court order, whether a pattern of shared care has already been established over the past 12 months (or such other period as the Secretary of State considers appropriate in the circumstances of the case).

(5) For the purposes of this regulation—

- (a) a night will count where the non-resident parent has the care of the qualifying child overnight and the child stays at the same address as the non-resident parent;
- (b) the non-resident parent has the care of the qualifying child when the non-resident parent is looking after the child; and
- (c) where, on a particular night, a child is a boarder at a boarding school, or an in-patient in a hospital, the person who would, but for those circumstances, have the care of the child for that night, shall be treated as having care of the child for that night.

Commencement Information

- I4** Reg. 46 wholly in force; reg. 46 not in force at made date; reg. 46 in force at 29.7.2013 for certain purposes and reg. 46 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

Marginal Citations

- M28** Paragraph 7 was amended by paragraphs 1 and 6 of Schedule 4, and paragraph 1(1) and (29) of Schedule 7 to, the 2008 Act. Paragraph 8 was amended by paragraphs 1 and 7 of Schedule 4 to the 2008 Act.

Assumption as to number of nights of shared care

47.—(1) This regulation applies where the Secretary of State is required to make a determination under regulation 46 for the purposes of a calculation decision.

(2) If it appears to the Secretary of State that—

- (a) the parties agree in principle that the care of a qualifying child is to be shared during the period mentioned in regulation 46(2) or (3) (decrease for shared care); but
- (b) there is insufficient evidence to make that determination on the basis set out in regulation 46(4) (for example because the parties have not yet agreed the pattern or frequency or the evidence as to a past pattern is disputed),

the Secretary of State may make the decision on the basis of an assumption that the non-resident parent is to have the care of the child overnight for one night per week.

(3) Where the Secretary of State makes a decision under paragraph (2) the assumption applies until an application is made under section 17 of the 1991 Act for a supersession of that decision and the evidence provided is sufficient to enable a determination to be made on the basis set out in regulation 46(4).

Commencement Information

- I5** Reg. 47 wholly in force; reg. 47 not in force at made date; reg. 47 in force at 29.7.2013 for certain purposes and reg. 47 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

Non-resident parent party to another maintenance arrangement

48.—(1) An agreement described in paragraph (2) is an agreement of a prescribed description for the purposes of paragraph 5A(6)(b) of Schedule 1 to the 1991 Act ^{M29} (that is an agreement which is a qualifying maintenance arrangement for the purposes of that paragraph).

(2) The agreement may be oral or written and must satisfy the following conditions—

- (a) it must relate to a child of the non-resident parent who is habitually resident in the UK;
- (b) it must be between the non-resident parent and a person with whom the child has their home (but not in the same household as the non-resident parent) and who usually provides day to day care for that child; and
- (c) it must provide for the non-resident parent to make regular payments for the benefit of the child.

(3) The payments mentioned in paragraph (2)(c) may include payments made by the non-resident parent direct to the person mentioned in paragraph (2)(b) or payments to other persons.

Commencement Information

I6 Reg. 48 wholly in force; reg. 48 not in force at made date; reg. 48 in force at 29.7.2013 for certain purposes and reg. 48 in force at 25.11.2013 in so far as not already in force, see reg. 1, SI 2013/1860 and [S.I. 2013/2947](#)

Marginal Citations

M29 Paragraph 5A was inserted by paragraph 5(2) of Schedule 4 to the 2008 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support Maintenance Calculation Regulations 2012, CHAPTER 2.