
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 18

The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001

Part III

Special Cases

Non-resident parent liable to pay maintenance under a maintenance order

11.—(1) Subject to paragraph (2), where the circumstances of a case are that—

- (a) an application for child support maintenance is made or treated as made, as the case may be, with respect to a qualifying child and a non-resident parent; and
- (b) an application for child support maintenance for a different child cannot be made under the Order but that non-resident parent is liable to pay maintenance under a maintenance order for that child,

that case shall be treated as a special case for the purposes of the Order.

(2) This regulation applies where the rate of child support maintenance payable is the basic rate, or the reduced rate, or has been calculated following agreement to a variation where the non-resident parent's liability would otherwise have been a flat rate or the nil rate.

(3) Where this regulation applies, the amount of child support maintenance payable by the non-resident parent shall be ascertained by—

- (a) calculating the amount of maintenance payable as if the number of qualifying children of that parent included any children with respect to whom he is liable to make payments under an order referred to in paragraph (1)(b); and
- (b) apportioning the amount so calculated between the qualifying children and the children with respect to whom he is liable to make payments under the order referred to in paragraph (1)(b),

and the amount payable shall be the amount apportioned to the qualifying children, and the amount payable to each person with care shall be that amount subject to the application of apportionment under paragraph 6 of Schedule 1 to the Order and the shared care provisions in paragraph 7 of that Schedule.

(4) In a case where this regulation applies paragraph 7 of Schedule 1 to the Order (shared care) and regulation 9 (care provided in part by an authority) shall not apply in relation to a child in respect of whom the non-resident parent is liable to make payments under a maintenance order as provided in paragraph (1)(b).