

---

DRAFT STATUTORY INSTRUMENTS

---

**2012 No.**

**The Child Support Maintenance Calculation Regulations 2012**

**PART 4**

**THE MAINTENANCE CALCULATION RULES**

**CHAPTER 4**

**SPECIAL CASES**

**Non-resident parent liable to maintain a child of the family or a child abroad**

**52.**—(1) A case is to be treated as a special case for the purposes of the 1991 Act where—

- (a) an application for a maintenance calculation has been made or a maintenance calculation is in force with respect to a qualifying child and a non-resident parent;
- (b) there is a different child in respect of whom no application for a maintenance calculation may be made but whom the non-resident parent is liable to maintain—
  - (i) in accordance with a maintenance order made in respect of that child as a child of the non-resident parent’s family, or
  - (ii) in accordance with an order made by a court outside Great Britain or under the legislation of a jurisdiction outside the United Kingdom; and
- (c) the weekly rate of child support maintenance, apart from this regulation, would be the basic rate or the reduced rate or would be calculated following agreement to a variation where the rate would otherwise be the flat rate or the nil rate.

(2) In any such case the amount of child support maintenance is to be calculated in accordance with paragraph 5A of Schedule 1 to the 1991 Act as if the child in question were a child with respect to whom the non-resident parent was a party to a qualifying maintenance arrangement.

(3) For the purposes of this regulation “child” includes a person who has not attained the age of 20 whom the non-resident parent is liable to maintain in accordance with paragraph (1)(b)(ii).