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SCHEDULES

SCHEDULE 1

MAINTENANCE [F1CALCULATIONS]

Textual Amendments

- F1** Word in Act substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 1(2)(b)**, [86\(1\)\(a\)\(2\)](#) (with [ss. 28, 83\(6\)](#)); [S.I. 2003/192](#), art. 3, Sch.

[F1PART I

CALCULATION OF WEEKLY AMOUNT OF CHILD SUPPORT MAINTENANCE

Textual Amendments

- F1** Sch. 1 Pt. 1 substituted (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 1\(3\)](#), [86\(1\)\(a\)\(2\)](#), **Sch. 1** (with [ss. 28, 83\(6\)](#)); [S.I. 2000/2994](#), art. 2(1), Sch. Pt. 1; [S.I. 2003/192](#), art. 3, Sch.

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. 1 applied (10.12.2012 for specified purposes) by [The Child Support Maintenance Calculation Regulations 2012 \(S.I. 2012/2677\)](#), regs. 1, **53**
- C2** Sch. 1 para. 5 (as originally enacted) amended (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 7(8)**; [S.I. 2008/787](#), art. 2(1)(4)(f), Sch.
- C3** Sch. 1 para. 5 (as originally enacted) amended (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 2**; [S.I. 2013/358](#), art. 2(1), Sch. 1 para. 21; [S.I. 2013/983](#), art. 3(1)(b)(i)
- C4** Sch. 1 para. 6 (as originally enacted) amended (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 paras. 4, 5**; [S.I. 2005/3175](#), art. 2(1), Sch. 1
- C5** Sch. 1 para. 6 (as originally enacted) amended (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 1 para. 21(2)**

General rule

- 1 (1) [F2Subject to paragraph 5A,] the weekly rate of child support maintenance is the basic rate unless a reduced rate, a flat rate or the nil rate applies.
- (2) Unless the nil rate applies, the amount payable weekly to a person with care is—
- the applicable rate, if paragraph 6 does not apply; or
 - if paragraph 6 does apply, that rate as apportioned between the persons with care in accordance with paragraph 6,

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as adjusted, in either case, by applying the rules about shared care in paragraph 7 or 8.

Textual Amendments

- F2** Words in Sch. 1 para. 1(1) inserted (10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 4 para. 5\(1\)](#); S.I. 2012/3042, arts. 2(b), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(a) (with arts. 3-5)

Basic rate

- [^{F3}2 (1) Subject to sub-paragraph (2), the basic rate is the following percentage of the non-resident parent's gross weekly income—
- 12% where the non-resident parent has one qualifying child;
 - 16% where the non-resident parent has two qualifying children;
 - 19% where the non-resident parent has three or more qualifying children.
- (2) If the gross weekly income of the non-resident parent exceeds £800, the basic rate is the aggregate of the amount found by applying sub-paragraph (1) in relation to the first £800 of that income and the following percentage of the remainder—
- 9% where the non-resident parent has one qualifying child;
 - 12% where the non-resident parent has two qualifying children;
 - 15% where the non-resident parent has three or more qualifying children.
- (3) If the non-resident parent also has one or more relevant other children, gross weekly income shall be treated for the purposes of sub-paragraphs (1) and (2) as reduced by the following percentage—
- [^{F4}11%] where the non-resident parent has one relevant other child;
 - [^{F4}14%] where the non-resident parent has two relevant other children;
 - [^{F4}16%] where the non-resident parent has three or more relevant other children.]

Textual Amendments

- F3** Sch. 1 para. 2 substituted (10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 4 para. 3](#); S.I. 2012/3042, arts. 2(b), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(a) (with arts. 3-5)
- F4** Figures in Sch. 1 para. 2(3) substituted (10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by virtue of [The Child Support Maintenance \(Changes to Basic Rate Calculation and Minimum Amount of Liability\) Regulations 2012 \(S.I. 2012/2678\)](#), regs. 1, 2

Reduced rate

- 3 (1) A reduced rate is payable if—
- (a) neither a flat rate nor the nil rate applies; and

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- (b) the non-resident parent's [^{F5}gross] weekly income is less than £200 but more than £100.
- (2) The reduced rate payable shall be prescribed in, or determined in accordance with, regulations.
- (3) The regulations may not prescribe, or result in, a rate of less than [^{F6}£7].

Textual Amendments

- F5** Word in *Sch. 1 Pt. 1* substituted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by *Child Maintenance and Other Payments Act 2008* (c. 6), s. 62(3), **Sch. 4 para. 2**; S.I. 2012/2523, **art. 2(2)(b)**; S.I. 2012/3042, arts. 2(b), **3** (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, **art. 6** and (24.6.2014) by S.I. 2014/1635, **art. 6**); S.I. 2013/1860, arts. 2(b), **3** (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, **art. 7**); S.I. 2013/2947, **art. 2(a)** (with arts. 3-5)
- F6** Sum in *Sch. 1 para. 3(3)* substituted (25.11.2013) by *Child Maintenance and Other Payments Act 2008* (c. 6), s. 62(3), **Sch. 4 para. 4(a)**; S.I. 2013/2947, **art. 2(a)** (with arts. 3-5)

Flat rate

- 4 (1) Except in a case falling within sub-paragraph (2), a flat rate of [^{F7}£7] is payable if the nil rate does not apply and—
- (a) the non-resident parent's [^{F5}gross] weekly income is £100 or less; or
- (b) he receives any benefit, pension or allowance prescribed for the purposes of this paragraph of this sub-paragraph; or
- (c) he or his partner (if any) receives any benefit prescribed for the purposes of this paragraph of this sub-paragraph.
- (2) A flat rate of a prescribed amount is payable if the nil rate does not apply and—
- (a) the non-resident parent has a partner who is also a non-resident parent;
- (b) the partner is a person with respect to whom a maintenance calculation is in force; and
- (c) the non-resident parent or his partner receives any benefit prescribed under sub-paragraph (1)(c).
- (3) The benefits, pensions and allowances which may be prescribed for the purposes of sub-paragraph (1)(b) include ones paid to the non-resident parent under the law of a place outside the United Kingdom.

Textual Amendments

- F5** Word in *Sch. 1 Pt. 1* substituted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by *Child Maintenance and Other Payments Act 2008* (c. 6), s. 62(3), **Sch. 4 para. 2**; S.I. 2012/2523, **art. 2(2)(b)**; S.I. 2012/3042, arts. 2(b), **3** (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, **art. 6** and (24.6.2014) by S.I. 2014/1635, **art. 6**); S.I. 2013/1860, arts. 2(b), **3** (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, **art. 7**); S.I. 2013/2947, **art. 2(a)** (with arts. 3-5)
- F7** Sum in *Sch. 1 para. 4(1)* substituted (25.11.2013) by *Child Maintenance and Other Payments Act 2008* (c. 6), s. 62(3), **Sch. 4 para. 4(b)**; S.I. 2013/2947, **art. 2(a)** (with arts. 3-5)

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Nil rate

- 5 The rate payable is nil if the non-resident parent—
- (a) is of a prescribed description; or
 - (b) has a [^{F5}gross] weekly income of below [^{F8}£7].

Textual Amendments

- F5** Word in *Sch. 1 Pt. 1* substituted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by *Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 4 para. 2*; S.I. 2012/2523, **art. 2(2)(b)**; S.I. 2012/3042, **arts. 2(b), 3** (with **arts. 5, 6**) (as amended (29.7.2013) by S.I. 2013/1860, **art. 6** and (24.6.2014) by S.I. 2014/1635, **art. 6**); S.I. 2013/1860, **arts. 2(b), 3** (with **arts. 5, 7**) (as amended (24.6.2014) by S.I. 2014/1635, **art. 7**); S.I. 2013/2947, **art. 2(a)** (with **arts. 3-5**)
- F8** Sum in *Sch. 1 para. 5(b)* substituted (25.11.2013) by *Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 7 para. 1(28)*; S.I. 2013/2947, **art. 2(c)** (with **arts. 3-5**)

[^{F9}Non-resident parent party to other maintenance arrangement

Textual Amendments

- F9** *Sch. 1 para. 5A* and cross-heading inserted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by *Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 4 para. 5(2)*; S.I. 2012/2523, **art. 2(2)(b)**; S.I. 2012/3042, **arts. 2(b), 3** (with **arts. 5, 6**) (as amended (29.7.2013) by S.I. 2013/1860, **art. 6** and (24.6.2014) by S.I. 2014/1635, **art. 6**); S.I. 2013/1860, **arts. 2(b), 3** (with **arts. 5, 7**) (as amended (24.6.2014) by S.I. 2014/1635, **art. 7**); S.I. 2013/2947, **art. 2(a)** (with **arts. 3-5**)

- 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 his 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 [^{F10}£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—

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- (a) liable to pay maintenance or aliment 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.]

Textual Amendments

F10 Sum in Sch. 1 para. 5A(2) substituted (25.11.2013) by virtue of [The Child Support and Claims and Payments \(Miscellaneous Amendments and Change to the Minimum Amount of Liability\) Regulations 2013 \(S.I. 2013/1654\)](#), regs. 1(2)(3), 2; S.I. 2013/2947, art. 2(a)

Modifications etc. (not altering text)

C6 Sch. 1 para. 5A applied (10.12.2012 for specified purposes) by [The Child Support Maintenance Calculation Regulations 2012 \(S.I. 2012/2677\)](#), regs. 1, **52(2)**

Apportionment

- 6
- (1) If the non-resident parent has more than one qualifying child and in relation to them there is more than one person with care, the amount of child support maintenance payable is (subject to paragraph 7 or 8) to be determined by apportioning the rate between the persons with care.
 - (2) The rate of maintenance liability is to be divided by the number of qualifying children, and shared among the persons with care according to the number of qualifying children in relation to whom each is a person with care.

Modifications etc. (not altering text)

C7 Sch. 1 para. 6 applied (10.12.2012 for specified purposes) by [The Child Support Maintenance Calculation Regulations 2012 \(S.I. 2012/2677\)](#), regs. 1, **53(9)**

Shared care—basic and reduced rate

- 7
- (1) [^{F11}This paragraph applies where the rate of child support maintenance payable is the basic rate or a reduced rate or is determined under paragraph 5A.]
 - (2) [^{F12}If the care of a qualifying child is, or is to be, shared] between the non-resident parent and the person with care, so that the non-resident parent from time to time has care of the child overnight, the amount of child support maintenance which he would otherwise have been liable to pay the person with care, as calculated in accordance with the preceding paragraphs of this Part of this Schedule, is to be decreased in accordance with this paragraph.
 - (3) First, there is to be a decrease according to the number of such nights which the [^{F13}Secretary of State] determines there to have been, or expects there to be, or both during a prescribed twelve-month period.
 - (4) The amount of that decrease for one child is set out in the following Table—

Number of nights

Fraction to subtract

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52 to 103	One-seventh
104 to 155	Two-sevenths
156 to 174	Three-sevenths
175 or more	One-half

- (5) If the person with care is caring for more than one qualifying child of the non-resident parent, the applicable decrease is the sum of the appropriate fractions in the Table divided by the number of such qualifying children.
- (6) If the applicable fraction is one-half in relation to any qualifying child in the care of the person with care, the total amount payable to the person with care is then to be further decreased by £7 for each such child.
- (7) If the application of the preceding provisions of this paragraph would decrease the weekly amount of child support maintenance (or the aggregate of all such amounts) payable by the non-resident parent to the person with care (or all of them) to less than [^{F14}£7], he is instead liable to pay child support maintenance at the rate of [^{F14}£7] a week, apportioned (if appropriate) in accordance with paragraph 6.

Textual Amendments

- F11** Sch. 1 para. 7(1) substituted (10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 7 para. 1\(29\)](#); S.I. 2012/3042, arts. 2(e), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(e), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(c) (with arts. 3-5)
- F12** Words in Sch. 1 para. 7(2) substituted (10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 4 para. 6](#); S.I. 2012/3042, arts. 2(b), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(a) (with arts. 3-5)
- F13** Words in Sch. 1 para. 7(3) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 62\(2\)\(a\)](#)
- F14** Sum in Sch. 1 para. 7(7) substituted (25.11.2013) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), s. 62(3), [Sch. 4 para. 4\(c\)](#); S.I. 2013/2947, art. 2(a) (with arts. 3-5)

Modifications etc. (not altering text)

- C8** Sch. 1 para. 7 modified (3.3.2003 for specified purposes) by [The Child Support \(Maintenance Calculations and Special Cases\) Regulations 2000 \(S.I. 2001/155\)](#), regs. 1(4), [11\(4\)](#); S.I. 2003/192, art. 3(1), Sch.
- C9** Sch. 1 para. 7 applied (10.12.2012 for specified purposes) by [The Child Support Maintenance Calculation Regulations 2012 \(S.I. 2012/2677\)](#), regs. 1, [74\(3\)](#) (with reg. 74(5))
- C10** Sch. 1 para. 7 applied (with modifications) (10.12.2012 for specified purposes) by [The Child Support Maintenance Calculation Regulations 2012 \(S.I. 2012/2677\)](#), regs. 1, [74\(2\)](#) (with reg. 74(5))
- C11** Sch. 1 para. 7(3) modified (10.12.2012 for specified purposes) by [The Child Support Maintenance Calculation Regulations 2012 \(S.I. 2012/2677\)](#), regs. 1, [46\(3\)](#)
- C12** Sch. 1 para. 7(4) modified (3.3.2003 for specified purposes) by [The Child Support \(Maintenance Calculations and Special Cases\) Regulations 2000 \(S.I. 2001/155\)](#), regs. 1(4), [7\(4\)](#); S.I. 2003/192, art. 3(1), Sch.

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Shared care—flat rate

- 8 (1) This paragraph applies only if—
- (a) the rate of child support maintenance payable is a flat rate; and
 - (b) that rate applies because the non-resident parent falls within paragraph 4(1)(b) or (c) or 4(2).
- (2) ^{F15}If the care of a qualifying child is, or is to be, shared] as mentioned in paragraph 7(2) for at least 52 nights during a prescribed 12-month period, the amount of child support maintenance payable by the non-resident parent to the person with care of that child is nil.

Textual Amendments

F15 Words in Sch. 1 para. 8(2) substituted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 4 para. 7](#); S.I. 2012/2523, art. 2(2)(b); S.I. 2012/3042, arts. 2(b), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(a) (with arts. 3-5)

Modifications etc. (not altering text)

- C13** Sch. 1 para. 8(2) modified (3.3.2003 for specified purposes) by [The Child Support \(Maintenance Calculations and Special Cases\) Regulations 2000 \(S.I. 2001/155\), regs. 1\(4\), 7\(4\)](#); S.I. 2003/192, art. 3(1), Sch.
- C14** Sch. 1 para. 8(2) modified (10.12.2012 for specified purposes) by [The Child Support Maintenance Calculation Regulations 2012 \(S.I. 2012/2677\), regs. 1, 46\(3\)](#)

Regulations about shared care

- 9 ^{F16}(1) The Secretary of State may by regulations provide—
- ^{F17}(za) for how it is to be determined whether the care of a qualifying child is to be shared as mentioned in paragraph 7(2);]
 - (a) for which nights are to count for the purposes of shared care under paragraphs 7 and 8, ^{F18}... ;
 - (b) for what counts, or does not count, as “care” for those purposes; and
 - ^{F19}(ba) for how it is to be determined how many nights count for those purposes;]
 - (c) for paragraph 7(3) or 8(2) to have effect, in prescribed circumstances, as if the period mentioned there were other than 12 months, and in such circumstances for the Table in paragraph 7(4) (or that Table as modified pursuant to regulations made under paragraph 10A(2)(a)), or the period mentioned in paragraph 8(2), to have effect with prescribed adjustments.
- ^{F20}(2) Regulations under sub-paragraph (1)(ba) may include provision enabling the ^{F21}Secretary of State] to proceed for a prescribed period on the basis of a prescribed assumption.]

Textual Amendments

F16 Sch. 1 para. 9(1) renumbered (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance and](#)

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- Other Payments Act 2008 (c. 6), s. 62(3), **Sch. 4 para. 8(1)**; S.I. 2012/2523, art. 2(2)(b); S.I. 2012/3042, arts. 2(b), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(a) (with arts. 3-5)
- F17** Sch. 1 para. 9(1)(za) inserted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by **Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 4 para. 8(2)**; S.I. 2012/2523, art. 2(2)(b); S.I. 2012/3042, arts. 2(b), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(a) (with arts. 3-5)
- F18** Words in Sch. 1 para. 9(1)(a) repealed (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by **Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 8**; S.I. 2012/2523, art. 2(2)(g); S.I. 2012/3042, arts. 2(g)(i), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(g)(i), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(e)(i) (with arts. 3-5)
- F19** Sch. 1 para. 9(1)(ba) inserted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by **Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 4 para. 8(3)**; S.I. 2012/2523, art. 2(2)(b); S.I. 2012/3042, arts. 2(b), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(a) (with arts. 3-5)
- F20** Sch. 1 para. 9(2) inserted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by **Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 4 para. 8(4)**; S.I. 2012/2523, art. 2(2)(b); S.I. 2012/3042, arts. 2(b), 3 (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, art. 6 and (24.6.2014) by S.I. 2014/1635, art. 6); S.I. 2013/1860, arts. 2(b), 3 (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, art. 7); S.I. 2013/2947, art. 2(a) (with arts. 3-5)
- F21** Words in Sch. 1 para. 9(2) substituted (1.8.2012) by **The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 3(2), Sch. para. 95(2)**

[^{F5}Gross] weekly income

- 10 (1) For the purposes of this Schedule, [^{F5}gross] weekly income is to be determined in such manner as is provided for in regulations.
- [^{F22}(2) The regulations may, in particular—
- (a) provide for determination in prescribed circumstances by reference to income of a prescribed description in a prescribed past period;
 - (b) provide for the [^{F23}Secretary of State] to estimate any income or make an assumption as to any fact where, in [^{F23}Secretary of State's] view, the information at [^{F23}Secretary of State's] disposal is unreliable or insufficient, or relates to an atypical period in the life of the non-resident parent.]
- (3) Any amount of [^{F5}gross] weekly income (calculated as above) over [^{F24}£3,000] is to be ignored for the purposes of this Schedule.

Status: Point in time view as at 30/06/2014.

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Textual Amendments

- F22** Sch. 1 para. 10(2) substituted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 4 para. 9](#); S.I. 2012/2523, [art. 2\(2\)\(b\)](#); S.I. 2012/3042, arts. 2(b), [3](#) (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, [art. 6](#) and (24.6.2014) by S.I. 2014/1635, [art. 6](#)); S.I. 2013/1860, arts. 2(b), [3](#) (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, [art. 7](#)); S.I. 2013/2947, [art. 2\(a\)](#) (with arts. 3-5)
- F23** Words in Sch. 1 para. 10(2) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), Sch. para. 95(3)
- F24** Word in Sch. 1 para. 10(3) substituted (10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 4 para. 10](#); S.I. 2012/3042, arts. 2(b), [3](#) (with arts. 5, 6) (as amended (29.7.2013) by S.I. 2013/1860, [art. 6](#) and (24.6.2014) by S.I. 2014/1635, [art. 6](#)); S.I. 2013/1860, arts. 2(b), [3](#) (with arts. 5, 7) (as amended (24.6.2014) by S.I. 2014/1635, [art. 7](#)); S.I. 2013/2947, [art. 2\(a\)](#) (with arts. 3-5)

Regulations about rates, figures, etc.

- 10A (1) The Secretary of State may by regulations provide that—
- (a) paragraph 2 is to have effect as if different percentages were substituted for those set out there;
 - (b) paragraph [^{F25}2(2),] 3(1) or (3), 4(1), 5, [^{F26}5A(2),] 7(7) or 10(3) is to have effect as if different amounts were substituted for those set out there.
- (2) The Secretary of State may by regulations provide that—
- (a) the Table in paragraph 7(4) is to have effect as if different numbers of nights were set out in the first column and different fractions were substituted for those set out in the second column;
 - (b) paragraph 7(6) is to have effect as if a different amount were substituted for that mentioned there, or as if the amount were an aggregate amount and not an amount for each qualifying child, or both.

Textual Amendments

- F25** Word in Sch. 1 para. 10A(1)(b) inserted (8.10.2012) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 7 para. 1\(30\)\(a\)](#); S.I. 2012/2523, art. 2(1)(d)
- F26** Word in Sch. 1 para. 10A(1)(b) inserted (8.10.2012) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 7 para. 1\(30\)\(b\)](#); S.I. 2012/2523, art. 2(1)(d)

Regulations about income

- 10B The Secretary of State may by regulations provide that, in such circumstances and to such extent as may be prescribed—
- (a) where the [^{F27}Secretary of State] is satisfied that a person has intentionally deprived himself of a source of income with a view to reducing the amount of his [^{F5}gross] weekly income, his [^{F5}gross] weekly income shall be taken to include income from that source of an amount estimated by the [^{F27}Secretary of State];
 - (b) a person is to be treated as possessing income which he does not possess;

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- (c) income which a person does possess is to be disregarded.

Textual Amendments

- F5** Word in *Sch. 1 Pt. 1* substituted (8.10.2012 for specified purposes, 10.12.2012 for specified purposes, 29.7.2013 for specified purposes, 25.11.2013 in so far as not already in force) by *Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 4 para. 2*; S.I. 2012/2523, *art. 2(2)(b)*; S.I. 2012/3042, *arts. 2(b), 3* (with *arts. 5, 6*) (as amended (29.7.2013) by S.I. 2013/1860, *art. 6* and (24.6.2014) by S.I. 2014/1635, *art. 6*); S.I. 2013/1860, *arts. 2(b), 3* (with *arts. 5, 7*) (as amended (24.6.2014) by S.I. 2014/1635, *art. 7*); S.I. 2013/2947, *art. 2(a)* (with *arts. 3-5*)
- F27** Words in *Sch. 1 para. 10B(a)* substituted (1.8.2012) by *The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), Sch. para. 62(2)(c)*

References to various terms

- 10C (1) References in this Part of this Schedule to “qualifying children” are to those qualifying children with respect to whom the maintenance calculation falls to be made [^{F28}or with respect to whom a maintenance calculation in respect of the non-resident parent has effect].
- (2) References in this Part of this Schedule to “relevant other children” are to—
- (a) children other than qualifying children in respect of whom the non-resident parent or his partner receives child benefit under Part IX of the Social Security Contributions and Benefits Act 1992; and
 - (b) such other description of children as may be prescribed.
- (3) In this Part of this Schedule, a person “receives” a benefit, pension, or allowance for any week if it is paid or due to be paid to him in respect of that week.
- (4) In this Part of this Schedule, a person’s “partner” is—
- (a) if they are a couple, the other member of that couple;
 - (b) if the person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy, another party to the marriage who is of the opposite sex and is a member of the same household.
- [^{F29}(5) [^{F30}In sub-paragraph (4)(a), “couple” means—
- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
 - (b) two people who are not married to, or civil partners of, each other but are living together as a married couple.]
- [^{F31}[^{F29}(6) For the purposes of this paragraph, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]]]

Textual Amendments

- F28** Words in *Sch. 1 para. 10C(1)* inserted (8.10.2012) by *Child Maintenance and Other Payments Act 2008 (c. 6), s. 62(3), Sch. 7 para. 1(31)*; S.I. 2012/2523, *art. 2(1)(d)*

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- F29** Sch. 1 para. 10C(5)(6) substituted for Sch. 1 para. 10C(5) (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 6**; S.I. 2005/3175, art. 2(1), Sch. 1
- F30** Sch. 1 para. 10C(5) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 21(3)(a)**
- F31** Sch. 1 para. 10C(6) omitted (E.W.) (13.3.2014) by virtue of The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 21(3)(b)**

Status:

Point in time view as at 30/06/2014.

Changes to legislation:

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