
STATUTORY INSTRUMENTS

2013 No. 2947

**The Child Maintenance and Other Payments Act 2008
(Commencement No. 12 and Savings Provisions) and the
Welfare Reform Act 2012 (Commencement No. 15) Order 2013**

New calculation rules to apply to existing cases related to a new application

5.—(1) Subject to article 4, where an application is made under section 4 or 7 of the 1991 Act on or after 25th November 2013, but before the Secretary of State begins to exercise the power in paragraph 1(1) of Schedule 5 to the 2008 Act, and that application satisfies paragraph (2) or (3), paragraph (5) applies.

(2) An application satisfies this paragraph where—

- (a) the non-resident parent in relation to the application is also the non-resident parent or absent parent in relation to an existing case; and
- (b) the person with care in relation to the application is not the person with care in relation to the existing case in sub-paragraph (a).

(3) An application satisfies this paragraph where—

- (a) the non-resident parent in relation to the application (“A”) is a partner of a non-resident parent or an absent parent in relation to an existing case (“B”); and
- (b) A or B is in receipt of a prescribed benefit.

(4) For the purposes of paragraph (3)—

“partner” has the meaning given in paragraph 10C(4) (references to various terms) of Schedule 1 to the 1991 Act as amended by the 2000 Act⁽¹⁾;

- (a) “prescribed benefit” means a benefit prescribed, or treated as prescribed, for the purposes of paragraph 4(1)(c) (flat rate) of Schedule 1 to the 1991 Act as amended by the 2000 Act.

(5) Where this paragraph applies, the saving in article 3 ceases to apply in relation to the existing case referred to in paragraph (2)(a) or (3)(a) (and accordingly the new calculation rules apply) on the date from which the maintenance calculation made in response to the application referred to in paragraph (1) takes effect.

⁽¹⁾ Part 1 of Schedule 1 to the 1991 Act was substituted by section 1(3) of, and Schedule 1 to, the 2000 Act.