

These notes refer to the Child Maintenance Act (Northern Ireland) 2008 (c.10) which received Royal Assent on 2 July 2008

Child Maintenance Act (Northern Ireland) 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Child Support etc.

Maintenance calculations

Section 9: Power to regulate supersession

This section replaces Articles 19(2) and 19(3) of the Child Support (Northern Ireland) Order 1991. Article 19 allows a maintenance decision to be superseded by a new decision, where, for example, there has been a change of circumstances.

These changes provide a regulation-making power to the Department in relation to the supersession of decisions.

Newparagraph (3) sets out that regulations may include:

- Provision about the cases and circumstances in which a decision may be superseded, which may include a restriction on superseding a decision as a result of certain changes of circumstance. This change enables the introduction of fixed term annual awards, where a change in circumstance will only be actioned during the year if there has been a large change in income, or where the change is fundamental to the maintenance calculation. This will also enable regulations to contain provisions which set out the circumstances in which earlier changes of circumstances (which had not led to a supersession) can be taken into account.
- Procedural aspects of supersessions.