

1995 No. 19

FAMILY LAW

CHILD SUPPORT

**The Child Support (Miscellaneous Amendments) Regulations
(Northern Ireland) 1995**

Made 23rd January 1995

Coming into operation 16th February 1995

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 16(1), 18(5), 47 and 48 of, and paragraph 11 of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 1995 and shall come into operation on 16th February 1995.

(2) In these regulations—

“Information, Evidence and Disclosure Regulations” means the Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(b);

“Maintenance Arrangements and Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992(c);

“Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(d).

Amendment of the Information, Evidence and Disclosure Regulations

2. In regulation 2 of the Information, Evidence and Disclosure Regulations (persons under a duty to furnish information or evidence) after paragraph (2)(b) there shall be inserted the following sub-paragraph—

“(ba) the current or recent employer of a person falling within sub-paragraph (b), with respect to the matters listed in sub-paragraphs (d) and (e) of regulation 3(1);”.

(a) S.I. 1991/2628 (N.I. 23)

(b) S.R. 1992 No. 339; relevant amending regulations are S.R. 1994 No. 65

(c) S.R. 1992 No. 466; to which there are amendments not relevant to these regulations

(d) S.R. 1992 No. 340; relevant amending regulations are S.R. 1993 No. 164 and S.R. 1994 No. 37

Amendment of the Maintenance Arrangements and Jurisdiction Regulations

3. In regulation 3 of the Maintenance Arrangements and Jurisdiction Regulations (relationship between maintenance assessments and certain court orders) after paragraph (5) there shall be added the following paragraph—

“(6) Where at the time an interim maintenance assessment was made there was in force with respect to children in respect of whom that interim maintenance assessment was made an order falling within paragraph (1), the effective date of a maintenance assessment subsequently made in accordance with Part I of Schedule 1 to the Order in respect of those children shall be the effective date of that interim maintenance assessment as determined under paragraph (4).”

Amendment of the Maintenance Assessment Procedure Regulations

4.—(1) The Maintenance Assessment Procedure Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “Information, Evidence and Disclosure Regulations” there shall be inserted the following definition—

“ “Maintenance Arrangements and Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992.”

(3) In regulation 8(a) (amount and duration of an interim maintenance assessment)—

(a) in paragraph (3) for “Where the provisions of regulation 29(2)(a) or (4) apply” there shall be substituted “Except where regulation 3(4) of the Maintenance Arrangements and Jurisdiction Regulations (effective date of maintenance assessment where court order in force) or paragraph (3A), (3B), (3C) or (3D) applies”;

(b) after paragraph (3) there shall be inserted the following paragraphs—

“(3A) Subject to paragraph (3D), where a child support officer makes a Category A interim maintenance assessment following a review of a Category A interim maintenance assessment under Article 18 of the Order, the effective date of that assessment shall be 52 weeks after the effective date of the previous interim maintenance assessment, disregarding any previous interim maintenance assessment made following a review under Article 21 of the Order.

(3B) Subject to paragraph (3D), where a child support officer reviews a Category A interim maintenance assessment under Article 21(1) of the Order on the grounds that it is defective because of a mistake as to its effective date or for reasons which include a mistake as to its effective date, the effective date of a Category A interim maintenance assessment made following such a review shall be the correct effective date applicable to the interim maintenance assessment being reviewed, as determined in accordance with paragraph (3), (3A) or regulation 3(4) of the Maintenance Arrangements and Jurisdiction Regulations, as the case may be.

(3C) Subject to paragraph (3D), where a child support officer reviews a Category A interim maintenance assessment under Article 21(1) of the Order on the grounds that it is defective for reasons which do not include a mistake as to its effective date, the effective date of a Category A interim maintenance assessment made following such a review shall be the same as the effective date of the interim maintenance assessment that has been reviewed.

(3D) Where the effective date of a Category A interim maintenance assessment made following a review under Article 18 or 21(1) of the Order would by virtue of the provisions of paragraphs (3A) to (3C) be earlier than 16th February 1995 the effective date of that assessment shall be 16th February 1995.”;

(c) in paragraph (4) for “Where a maintenance assessment is made” there shall be substituted “In cases where the effective date of an interim maintenance assessment is determined under paragraph (3), (3A), (3B), (3C) or (3D), where a maintenance assessment is made”.

(4) In regulation 10(a) (notification of a new or a fresh maintenance assessment)—

(a) in paragraph (2) for “A notification under paragraph (1)” there shall be substituted “Subject to paragraph (2A), a notification under paragraph (1)”;

(b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Where a new Category A interim maintenance assessment is made, or a fresh Category A interim maintenance assessment is made following a review under Article 18 or 21(1) of the Order, a notification under paragraph (1) shall set out, in relation to that interim maintenance assessment, the maintenance requirement and the effective date.”;

(c) in paragraph (4) for “A notification under paragraph (1)” there shall be substituted “Subject to paragraph (5), a notification under paragraph (1)”;

(d) after paragraph (4) there shall be added the following paragraph—

“(5) Where a new Category A interim maintenance assessment is made or a fresh Category A interim maintenance assessment is made following a review under Article 18 or 21(1) of the Order, a notification under paragraph (1) shall include information as to Articles 18 and 21(1) of the Order.”.

(5) In regulation 29(1) (effective dates of new maintenance assessments) after “Subject to regulation 8(3)” there shall be inserted “(interim maintenance assessments) and to regulation 3(4) and (6) of the Maintenance Arrangements and Jurisdiction Regulations (maintenance assessments where court order in force)”.

(6) In regulation 30(13)(b) (effective dates of maintenance assessments following a review) for “regulation 29 or in accordance with paragraphs (1) to

(a) Regulation 10 was amended by S.R. 1994 No. 37

(b) Regulation 30 was amended by S.R. 1994 No. 37

(12), as the case may be.” there shall be substituted “paragraphs (1) to (12), regulation 8(3), regulation 29, or in accordance with regulation 3(4) or (6) of the Maintenance Arrangements and Jurisdiction Regulations, as the case may be.”.

Sealed with the Official Seal of the Department of Health and Social Services on 23rd January 1995.

(L.S.)

W. G. Purdy

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992, the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992 and the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992, all of which are made under the Child Support (Northern Ireland) Order 1991 ("the Order").

Regulation 2 of the Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992 is amended to impose an obligation on employers to provide information for certain purposes about an alleged absent parent who denies parentage (regulation 2).

Regulation 3 of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992 is amended to provide that where an interim maintenance assessment has been made and at that time there was a court order in force in respect of children covered by that interim maintenance assessment, the effective date of any subsequent maintenance assessment shall be the effective date of that interim maintenance assessment (regulation 3).

The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992 are amended in the following respects—

- (a) regulation 8 is amended to make provision for the effective date of an interim maintenance assessment reviewed under Article 18 or 21(1) of the Order and to clarify the provision for the setting of the effective date of an interim maintenance assessment where a court order is in force in respect of the relevant child (regulation 4(3));
- (b) regulation 10 is amended to set out the information to be included in the notification which must be given where a Category A interim maintenance assessment is made, or a fresh such assessment made after a review (regulation 4(4));
- (c) regulation 29 is amended to provide that where a court order is in force in respect of the relevant children at the time a maintenance assessment is made, or was in force at the time an interim maintenance assessment was made which preceded the making of the maintenance assessment, the effective date of the assessment is set by regulation 3(4) or (6) of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992 (regulation 4(5));
- (d) regulation 30 is amended to make additional provision for the effective date of an assessment, reviewed because the original effective date was incorrect (regulation 4(6)).