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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 258**

**FAMILY LAW**

**CHILD SUPPORT**

**The Child Support Commissioners (Procedure)**  
**(Amendment) Regulations (Northern Ireland) 1997**

*Made - - - - 29th May 1997*

*To be laid before Parliament*

*Coming into operation 1st July 1997*

The Lord Chancellor, in exercise of the powers conferred on him by Articles 25(6) and (7) of, and paragraph 1 of Schedule 4 to, the Child Support (Northern Ireland) Order 1991<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Child Support Commissioners (Procedure) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 1st July 1997.

**Amendment of the Child Support Commissioners (Procedure) Regulations**

2.—(1) The Child Support Commissioners (Procedure) Regulations (Northern Ireland) 1993<sup>(2)</sup> shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1 (citation, commencement and interpretation) after paragraph (2), there shall be added the following paragraph—

“(3) In these Regulations, for the purposes of any proceedings relating to an application for a departure direction which has been decided by an appeal tribunal under Article 28D(1) (b)<sup>(3)</sup> of the Order, the term “party to the proceedings” shall include the Department.”

(3) In regulation 3(4) (notice of application for leave to appeal to a Commissioner) for “a child support officer he” there shall be substituted “a child support officer or by the Department under Article 25(1A)<sup>(4)</sup> of the Order, the child support officer or the Department, as the case may be.”

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

(2) S.R. 1993 No. 42, to which there are amendments not relevant to these Regulations

(3) Article 28D was inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))

(4) Paragraph (1A) was inserted by paragraph 7(3) of Schedule 3 to the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))

(4) In regulation 9 (Department as respondent to an appeal) at the beginning there shall be inserted “Except where it is already a party to the proceedings by virtue of regulation 1(3) or of regulation 1 of the Child Support Appeal Tribunals (Procedure) Regulations (Northern Ireland) 1993(5),”.

(5) For regulation 22 there shall be substituted the following regulation—

**“Confidentiality**

**22.**—(1) No information such as is mentioned in paragraph (2), and which has been provided for the purposes of any proceedings to which these Regulations apply, shall be disclosed if, before the expiry of the period of 21 days specified in paragraph (3), written notification has been received from the person to whom the information relates that he does not consent to such disclosure.

(2) The information referred to in paragraph (1) is—

- (a) the address of the person referred to in that paragraph; and
- (b) any other information the use of which could reasonably be expected to lead to that person being located.

(3) Except where the proceedings relate to an application for leave to appeal to a Commissioner or to an appeal in either case made under Article 43(7) of the Order (failure to comply with obligations imposed by Article 9) or regulation 41(9) of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(6) (review of a reduced benefit direction), the office of the Child Support Commissioners shall notify the person to whom the information referred to in paragraphs (1) and (2) relates of the provisions of those paragraphs and that disclosure of that information may be made, unless the written notification specified in paragraph (1) is received before the expiry of the period of 21 days, beginning with and including the date the notification by the office of the Child Support Commissioners was given or sent to that person.”.

Dated 29th May 1997

*Irvine of Lairg, C.*

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(5) S.R. 1993 No. 50; the definition of “party to the proceedings” was amended by regulation 53(2) of S.R. 1996 No. 541

(6) S.R. 1992 No. 340; regulation 41(9) was substituted by regulation 4(12)(f) of S.R. 1993 No. 164

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Child Support Commissioners (Procedure) Regulations (Northern Ireland) 1993 (“the 1993 Regulations”) so as to—

- (a) provide that the Department of Health and Social Services (“the Department”) shall be included as a party to certain proceedings (regulation 2(2));
- (b) provide that where an application for leave to appeal is made by a child support officer or by the Department under Article 25(1A) of the Child Support (Northern Ireland) Order 1991, the child support officer or the Department, as the case may be, shall send a copy of the application to each person who was a party to the proceedings before the appeal tribunal (regulation 2(3));
- (c) provide that, except where the Department is already a party to the proceedings, it may at any time apply to a Commissioner for leave to intervene in an appeal pending before a Commissioner (regulation 2(4)); and
- (d) provide that information which has been provided for the purposes of any proceedings to which the 1993 Regulations apply may be disclosed, unless within 21 days the person to which that information relates gives written notification that he does not consent to such disclosure (regulation 2(5)).