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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 12**

**FAMILY LAW**

**CHILD SUPPORT**

**The Child Support (Temporary Compensation Payment Scheme)  
Regulations (Northern Ireland) 2001**

*Made* . . . . . 18th January 2001

*Coming into operation* . . . . 19th February 2001

The Department for Social Development, in exercise of the powers conferred by section 26(1) to (4) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(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 (Temporary Compensation Payment Scheme) Regulations (Northern Ireland) 2001 and shall come into operation on 19th February 2001.

(2) In these Regulations—

“the Act” means the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;

“the Child Support Order” means the Child Support (Northern Ireland) Order 1991(b) before its amendment by the Act; and

“the Social Security Order” means the Social Security (Northern Ireland) Order 1998(c).

*Application of the Regulations*

**2.**—(1) For the purposes of section 26(2) of the Act, section 26 shall have effect as if it were modified so as to apply to cases of arrears of child support maintenance which have become due under a fresh maintenance assessment made in the following circumstances—

(a) where the Department has given a departure direction under Article 28F of the Child Support Order(d) and—

(i) the revised amount is higher than the current amount, and

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(a) 2000 c. 4 (N.I.)  
(b) S.I. 1991/2628 (N.I. 23)  
(c) S.I. 1998/1506 (N.I. 10)  
(d) Article 28F was inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))

- (ii) the effective date of the fresh maintenance assessment is a date before 1st June 1999, or
- (b) following a review under Article 20 of the Child Support Order(a) (reviews of decisions of child support officers) or a review under Article 21 of that Order(b) (reviews at instigation of child support officers) (as those provisions had effect before their substitution by Article 41 of the Social Security Order),

and the effective date of the assessment is earlier than the date on which the assessment was made; or

- (c) following an appeal to a child support appeal tribunal under Article 22 of the Child Support Order(c) (as it had effect before its substitution by Article 42 of the Social Security Order) against a decision of a child support officer.

(2) In this Regulation—

“current amount” means the amount of child support maintenance fixed by the current assessment; and

“revised amount” means the amount of child support maintenance fixed by the fresh maintenance assessment as a result of the departure direction given by the Department.

#### *Prescribed date*

3. For the purposes of section 26(1)(a) of the Act, the prescribed date is 1st April 2002.

#### *Prescribed circumstances*

4.—(1) In relation to cases of arrears which have become due under a maintenance assessment falling within section 26(1)(a) of the Act or a fresh maintenance assessment falling within section 26(1)(b) of the Act or regulation 2(1), the prescribed circumstances for the purposes of section 26(3) of the Act are that—

- (a) more than 6 months of arrears of child support maintenance have become due under the maintenance assessment;
- (b) at least 3 months of those arrears are due to unreasonable delay due to an act or omission by the Department or a child support officer as the case may be;
- (c) the Department is authorised under Article 29(1) of the Child Support Order to arrange for the collection of child support maintenance payable in accordance with the maintenance assessment;
- (d) the Department is satisfied that the absent parent is, at the time the agreement is made, making such payments as are required of him in

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(a) Article 20 was amended by Articles 7 and 8 of, and paragraph 4 of Schedule 3 to, the Child Support (Northern Ireland) Order 1995

(b) Article 21 was substituted by Article 9 of the Child Support (Northern Ireland) Order 1995

(c) Article 22 was amended by paragraph 5 of Schedule 3 to the Child Support (Northern Ireland) Order 1995

accordance with regulations made under Article 29(3)(b) or (c) of the Child Support Order;

- (e) where the absent parent is liable to make child support maintenance payments under a different maintenance assessment, there are no existing arrears in relation to any of them at the time the agreement is made, except for those arrears that the Department is satisfied have arisen through no fault of the absent parent; and
- (f) in relation to cases under section 26(1)(b) of the Act or regulation 2(1), the absent parent has paid any arrears which he has been required to pay in relation to the maintenance assessment, or has done so except in relation to—
  - (i) arrears of at least 3 months which are due to unreasonable delay due to an act or omission of the Department or a child support officer as the case may be, or
  - (ii) any other arrears that the Department is satisfied have arisen through no fault of the absent parent.

(2) In this regulation “agreement” means an agreement under section 26 of the Act.

*Terms of the agreement*

**5.**—(1) For the purposes of section 26(4) of the Act, the terms which may be specified in the agreement are—

- (a) the period of the agreement;
- (b) payment of the child support maintenance payable in accordance with the maintenance assessment and, where relevant, the arrears, by whichever of the following methods the Department specifies as being appropriate in the circumstances—
  - (i) by standing order;
  - (ii) by any other method which requires one person to give his authority for payments to be made from an account of his to an account of another’s on specific dates during the period for which the authority is in force and without the need for further authority from him;
  - (iii) by an arrangement whereby one person gives his authority for payments to be made from an account of his, or on his behalf, to another person or to an account of that other person;
  - (iv) by cheque or postal order;
  - (v) in cash;
  - (vi) by debit card;
  - (vii) where the Department has made a deduction from earnings order under Article 31 of the Child Support Order—
    - (aa) by cheque;
    - (bb) by automated credit transfer; or
    - (cc) by such other method as the Department may specify;

- (c) the amount of the arrears that the absent parent is required to pay (which shall include at least the last 6 months of the arrears due under the maintenance assessment);
  - (d) the day and interval by reference to which payments of the arrears are to be made by the absent parent; and
  - (e) the confirmation by the Department that it will not, while the agreement is complied with, take action to recover any of the arrears.
- (2) In this regulation “debit card” means a card, operating as a substitute for a cheque, that can be used to obtain cash or to make a payment at a point of sale whereby the card holder’s bank or building society account is debited without deferment of payment.

Sealed with the Official Seal of the Department for Social Development on 18th January 2001.

(L.S.)

*John O’Neill*  
Senior Officer of the Department  
for Social Development

## EXPLANATORY NOTE

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

These Regulations provide for a temporary compensation scheme made under section 26 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (“the Act”) in certain cases where there has been a delay in the making of a maintenance assessment under the Child Support (Northern Ireland) Order 1991 leading to arrears of child support maintenance.

Regulation 1 contains interpretation provisions.

Regulation 2 sets out the cases additional to those in the Act to which the scheme will apply.

Regulation 3 provides the prescribed date for the purposes of section 26(1)(a) of the Act.

Regulation 4 prescribes the circumstances in which the Department for Social Development may agree that the absent parent will not be required to pay the whole of the arrears due under a maintenance assessment and in which it will not seek to recover any of the arrears.

Regulation 5 prescribes the terms of the agreement when the scheme shall apply.

Section 26(1) to (4) of the Act, the enabling provision under which these Regulations are made, in so far as not already in operation, came into operation, on 1st January 2001 by virtue of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 1) Order (Northern Ireland) 2000 (S.R. 2000 No. 358 (C. 16)).

The impact on business of these Regulations was covered in the Regulatory Impact Assessment for the Act, in accordance with, and in consequence of which, these Regulations are made. A copy of that Assessment may be obtained, free of charge, from Social Security Policy and Legislation Division, Castle Buildings, Stormont, Belfast BT4 3SQ.

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