
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for various matters relating to the calculation of child support maintenance under the Child Support (Northern Ireland) Order 1991 (“the Order”) and also make provision for special cases under the Order, consequent upon the introduction of changes to the child support system made by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (“the Act”). Subject to savings for transitional purposes, these Regulations revoke the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992. Apart from regulation 4(1) and (2), which comes into operation on 31st January 2001, these Regulations come into operation at different times for different cases according to the dates on which provisions of the Act which are relevant to these Regulations are commenced for different types of cases.

Regulation 1 contains provisions relating to citation, commencement and interpretation.

Regulation 2 contains general provisions regarding the calculations of child support maintenance under the Order. The Schedule to these Regulations prescribes the amounts to be taken into account to calculate net weekly income for the purposes of Schedule 1 to the Order.

Regulation 3 prescribes the method of calculating the reduced rate of child support maintenance and regulation 4 prescribes the benefits, pensions and allowances for the purposes of paragraph 4(1) of Schedule 1 to the Order (flat rate cases).

Regulation 5 prescribes the circumstances for which the rate payable is nil.

Regulation 6 provides a general rule for adjusting the child support maintenance payable following apportionment and regulation 7 prescribes the circumstances in which a night will count for the purposes of paragraphs 7 and 8 of Part I of Schedule 1 to the Order (shared care).

Regulations 8 to 14 prescribe the circumstances in which cases are to be treated as special cases for the purposes of the Order. These include cases where persons are treated as non-resident parents; where care of a qualifying child or a relevant other child is provided in part by an authority, where the non-resident parent is liable to pay maintenance under a maintenance order, where a child is a boarder or an in-patient in hospital, where a child is allowed to live with his parent under Article 27(5) of the Children (Northern Ireland) Order 1995 and where a person with part-time care of the child is not a non-resident parent.

Regulation 15 revokes the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992, with savings for transitional purposes.

Paragraphs 3(2), 4(1)(b) and (c) and (3), 5(a), 7(3), 9, 10 and 10C(2)(b) of Part I of Schedule 1 to the Order are some of the enabling provisions under which these Regulations are made. Part I of Schedule 1 to the Order is substituted by section 1(3) of, and Schedule 1 to, the Act. Section 1(3) of, and Schedule 1 to the Act were brought into operation for the purpose only of making regulations, on 22nd November 2000 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.