
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 29

FAMILY LAW

SOCIAL SECURITY

CHILD SUPPORT

The Child Support (Consequential Amendments and Transitional Provisions) Regulations (Northern Ireland) 2001

Made 26th January 2001

Coming into operation in accordance with regulation 1(1) and (2)

The Department for Social Development, in exercise of the powers conferred by section 28(1) and (2) 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:

PART I
GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Consequential Amendments and Transitional Provisions) Regulations (Northern Ireland) 2001 and shall, subject to paragraph (2), come into operation in relation to a particular case on the date on which section 1 of the Act comes into operation in relation to that type of case.

(2) Regulation 10 and, for the purposes of that provision, this regulation, shall come into operation on 15th February 2001.

(3) In these Regulations—

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

“the Order” means the Child Support (Northern Ireland) Order 1991(b);

“the Guardian’s Allowances Regulations” means the Social Security (Guardian’s Allowances) Regulations (Northern Ireland) 1975(c);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(d);

(a) 2000 c. 4 (N.I.)

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

(c) S.R. 1975 No. 98; relevant amending regulations are S.R. 1998 No. 263

(d) S.R. 1987 No. 459; relevant amending rules are S.R. 1993 No. 167, S.R. 1995 No. 301 and S.R. 1999 No. 472 (C. 36)

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(a);

“the Maintenance Payments Regulations” means the Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations (Northern Ireland) 1996(b).

PART II
CONSEQUENTIAL AMENDMENTS

Amendment of the Guardian’s Allowances Regulations

2. In regulation 4(1)(b) of the Guardian’s Allowances Regulations(c) (children of divorced persons, etc.) for “assessment” there shall be substituted “calculation”.

Amendment of the Income Support Regulations

3.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulations 60A (interpretation) and 60C(6)(a)(d) (calculation of the weekly amount of payments of child support maintenance) for “assessment” there shall be substituted “calculation”.

(3) In Schedule 3 (housing costs) in paragraph 14(2)(e)—

(a) subject to sub-paragraph (b), for “assessment” wherever it appears there shall be substituted “calculation”; and

(b) in head (b) for “interim maintenance assessment” wherever it appears there shall be substituted “interim maintenance decision or default maintenance decision”.

Amendment of the Jobseeker’s Allowance Regulations

4.—(1) The Jobseeker’s Allowance Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulations 125 (interpretation) and 128(6)(a) (calculation of the weekly amount of child support maintenance) for “assessment” there shall be substituted “calculation”.

(3) In Schedule 2 (housing costs) in paragraph 13(2)(f)—

(a) subject to sub-paragraph (b), for “assessment” wherever it appears there shall be substituted “calculation”; and

(b) in head (b) for “interim maintenance assessment” wherever it appears there shall be substituted “interim maintenance decision or default maintenance decision”.

(a) S.R. 1996 No. 198; relevant amending rules are S.R. 1999 No. 428 (C. 32)
(b) S.R. 1996 No. 202
(c) Regulation 4(1) was amended by regulation 2 of S.R. 1998 No. 263
(d) Regulations 60A and 60C were inserted by regulation 4 of S.R. 1993 No. 167
(e) Schedule 3 was substituted by regulation 2 of, and Schedule 1 to, S.R. 1995 No. 301 and sub-paragraph (2) was amended by Article 7(11)(b)(iii) of S.R. 1999 No. 472 (C. 36)
(f) Sub-paragraph (2) was amended by Article 9(8)(e) of S.R. 1999 No. 428 (C. 32)

Amendment of the Maintenance Payments Regulations

5. In regulation 2(a)(ii) of the Maintenance Payments Regulations (interpretation for the purposes of section 72A of the Act) for “assessment” there shall be substituted “calculation”.

Amendment of the New Deal (Miscellaneous Provisions) Order

6. In the Schedule to the New Deal (Miscellaneous Provisions) Order (Northern Ireland) 1998(a) (statutory provisions) at the end there shall be added—

“The Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001(b)

The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(c)”.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

7.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(d) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 23 (child support decisions involving issues that arise on appeal in other cases)—

(a) in paragraphs (2)(b) and (5) for “absent parent” wherever it appears there shall be substituted “non-resident parent”; and

(b) in paragraph (3)(a) for “assessment” there shall be substituted “calculation”.

(3) In regulation 33(1)(a)(i) (making of appeals and applications) “(including that Article as extended by paragraph 3 of Schedule 4C to that Order)” shall be omitted.

(4) In regulation 44 (confidentiality in child support appeals and referrals)—

(a) in paragraphs (1)(a), (2) and (3) for “absent parent” wherever it appears there shall be substituted “non-resident parent”; and

(b) in paragraph (2) for “direction” there shall be substituted “decision” and for “Article 43(11)” there shall be substituted “Article 43(10)(e)”.

Amendment of the New Deal Pilot for 25 Plus (Miscellaneous Provisions) Order

8. In the Schedule to the New Deal Pilot for 25 Plus (Miscellaneous Provisions) Order (Northern Ireland) 1999(f) (list of subordinate legislation) at the end there shall be added—

(a) S.R. 1998 No. 127, to which there are amendments not relevant to these Regulations

(b) S.R. 2001 No. 17

(c) S.R. 2001 No. 18

(d) S.R. 1999 No. 162, to which there are amendments not relevant to these Regulations

(e) Article 43 is substituted by section 18 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(f) S.R. 1999 No. 278

“The Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001.

The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001.”.

PART III

SAVINGS

Savings for particular cases

9.—(1) Where, in respect of a particular case, there is a maintenance assessment the effective date of which is before the date on which these Regulations come into operation in relation to that type of case (“the commencement date”), these Regulations shall not apply for the purposes of—

- (a) the Guardian’s Allowances Regulations, in relation to a parent who died on or before the commencement date;
- (b) the Income Support Regulations, in relation to a person who is entitled to income support for a period beginning on or before the day before the commencement date;
- (c) the Jobseeker’s Allowance Regulations, in relation to a person who is entitled to jobseeker’s allowance for a period beginning on or before the day before the commencement date; and
- (d) the Maintenance Payments Regulations, in relation to payment of child support maintenance under a maintenance assessment in a period beginning on or before the day before the commencement date.

(2) These Regulations shall not apply with respect to the Income Support Regulations and the Jobseeker’s Allowance Regulations in relation to a person who is entitled to income support or a jobseeker’s allowance, as the case may be, for a period beginning on or before the day before the commencement date.

PART IV

TRANSITIONAL PROVISION

Transitional provision – redetermination of appeals

10. In relation to any particular case, before the date on which these Regulations, except for this regulation, come into operation for the purposes of that case, in Article 24A(4)(b) of the Order(a) the reference to “qualifying persons” shall be treated as a reference to any person referred to in Article 22 of the Order(b) before its amendment by the Act with a right of appeal under that Article and the reference in Article 24A(3) of the Order to “the principal parties” shall be construed accordingly.

(a) Article 24A is inserted by section 11 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(b) Article 22 was substituted by Article 42 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

Sealed with the Official Seal of the Department for Social Development
on 26th 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 the amendment of various Regulations and Orders and make savings and transitional provisions.

Part I (regulation 1) makes provision for citation, commencement and interpretation.

Part II (regulations 2 to 5 and 7) amends the Social Security (Guardian's Allowances) Regulations (Northern Ireland) 1975, the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996, the Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations (Northern Ireland) 1996 and the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999. The amendments reflect changes in terminology in the Child Support (Northern Ireland) Order 1991 ("the Order") in consequence of the amendment of the Order by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 ("the Act").

Regulations 6 and 8 amend the New Deal (Miscellaneous Provisions) Order (Northern Ireland) 1998 and the New Deal Pilot for 25 Plus (Miscellaneous Provisions) Order (Northern Ireland) 1999 to include within the Schedules to those Orders references to the Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001 and the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001.

Part III (regulation 9) contains savings provisions.

Part IV (regulation 10) contains transitional provision for the redetermination of appeals under Article 24A(4)(b) of the Order.

Section 28(1) and (2) of the Act, the enabling provision under which these Regulations are made, was 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)). Since the Regulations are made before the end of a period of 6 months from the commencement of the provision under which they are made, they are, accordingly, exempt, by virtue of section 150(5)(a) of the Social Security Administration (Northern Ireland) Act 1992, from reference to the Social Security Advisory Committee.

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 can be obtained from Social Security Policy and Legislation Division, Castle Buildings, Stormont, Belfast BT4 3SQ.

£2.00

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. 703052. C3. 1/01. Gp. 130. 14567.