

2002 No. 391

FAMILY LAW

**The Child Support Appeals (Jurisdiction of Courts) Order
(Northern Ireland) 2002**

Made - - - - - 16th December 2002

*Coming into operation in accordance with Article
1(2) and (3)*

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by Article 42(1) and (4) of the Child Support (Northern Ireland) Order 1991(a), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Child Support Appeals (Jurisdiction of Courts) Order (Northern Ireland) 2002.

(2) Subject to paragraph (3), this Order shall come into operation on 28th January 2003.

(3) This Order shall not have effect in relation to a particular type of case until the day on which section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(b) comes into operation for the purposes of that type of case.

(4) In this Order –

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

(b) “the Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(c).

Revocation

2. The Child Support Appeals (Jurisdiction of Courts) Order (Northern Ireland) 1993(d) is revoked.

Parentage appeals

3. An appeal under Article 22 of the Order(e) shall be made to a court of summary jurisdiction, rather than an appeal tribunal, in the circumstances mentioned in Article 4.

4. The circumstances are that –

(a) the appeal will be an appeal under Article 22(1)(a) or (b) of the Order;

(a) S.I. 1991/2628 (N.I. 23). Article 42(1) was amended by Article 78(1) of, and paragraph 27(1) of Schedule 6 to, the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

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

(c) S.R. 1999 No. 162, as amended by regulation 6 of S.R. 2002 No. 164 and regulation 2 of S.R. 2002 No. 189

(d) S.R. 1993 No. 104

(e) S.I. 1991/2628 (N.I. 23). Article 22 is substituted by section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)

- (b) the decision to be appealed against includes a determination that a particular person (whether the applicant or some other person) either is, or is not, a parent of the qualifying child in question (“a parentage determination”); and
- (c) the ground of the appeal will be that the decision should not have included that parentage determination.

5. Regulations 31 and 32 of the Regulations shall apply to appeals made to a court of summary jurisdiction in accordance with this Order with the following modifications –

- (a) for the words “an appeal tribunal” and the words “a legally qualified panel member” there shall be substituted the words “a court of summary jurisdiction”;
- (b) for the words “the legally qualified panel member” there shall be substituted the words “the court”; and
- (c) in regulation 32(10) for the words “who determines an application under this regulation shall record a summary of his decision in such written form as has been approved by the President” there shall be substituted the words “shall record a summary of its decision in written form”.

Dated 16th December 2002.

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order: –

- (a) revokes and replaces the Child Support Appeals (Jurisdiction of Courts) Order (Northern Ireland) 1993, which provides for child support appeals to be made to a court of summary jurisdiction, rather than an appeal tribunal, where the issue in the appeal is the parentage of the qualifying child in relation to whom an application for child support maintenance has been made under the Child Support (Northern Ireland) Order 1991. The amendments are required in consequence of section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, which substitutes a new Article 22 into the Child Support (Northern Ireland) Order 1991 (appeals to appeal tribunals); and
- (b) provides for the application (with modifications) of regulations 31 and 32 of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 to those appeals that are made to a court of summary jurisdiction.

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