

2003 No. 84

FAMILY LAW

CHILD SUPPORT

SOCIAL SECURITY

**The Child Support and Social Security (Miscellaneous
Amendments) Regulations (Northern Ireland) 2003**

Made - - - - - 20th February 2003

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred by Articles 19(5), 28B(2)(c), 28E(5), 31(8), 38(4)(a), 39, 43(5), 47 and 48(4) of, and paragraphs 5, 6, 7, 10 and 11 of Schedule 1 and paragraphs 2(2) and 5(1) of Schedule 4B to, the Child Support (Northern Ireland) Order 1991^(a) and now vested in it^(b), and section 28 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000^(c) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2003 and shall come into operation as follows –

- (a) subject to paragraphs (b) to (d), these Regulations shall come into operation on 21st February 2003;
- (b) regulation 7 shall come into operation in relation to a particular case on the day on which Article 19 of the Child Support (Northern Ireland) Order 1991, as amended by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, comes into operation in relation to that type of case;

(a) S.I. 1991/2628 (N.I. 23); Article 19 was substituted by Article 41 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and is amended by section 9 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)); Article 28B was inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)) and amended by paragraph 20 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 and is substituted by section 5(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and modified by regulations made under Article 28G(2)(b) of the Child Support (Northern Ireland) Order 1991, as substituted by section 7 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; Article 28E was inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995 and is amended by section 5(4) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; Article 43(5) was amended by paragraph 10 of Schedule 3 to the Child Support (Northern Ireland) Order 1995 and paragraph 28(3) of Schedule 6 to the Social Security (Northern Ireland) Order 1998 and is substituted by section 18 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; Article 47 was amended by paragraph 31 of Schedule 6 to the Social Security (Northern Ireland) Order 1998; paragraph 5 of Schedule 1 was amended by paragraph 4(7) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and Part I of Schedule 1 is substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and Schedule 4B was inserted by Schedule 2 to the Child Support (Northern Ireland) Order 1995 and is substituted by Part II of Schedule 2 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(b) See Article 8(b) of S.R. 1999 No. 481

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

- (c) regulation 3(6)(c) shall come into operation on 1st April 2003; and
- (d) regulations 2, 3(2) to (5), (6)(a) and (b) and (7), 5, 6, 8(3), 9(2) and (4), 11 and 12 shall come into operation on 6th April 2003.

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations

2. In regulation 34A of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(**a**) (circumstances in which a reduced benefit direction shall not be given) after paragraph (b) there shall be added –

“or

- (c) an amount prescribed under section 9(5)(c) of the Tax Credits Act 2002(**b**) (increased elements of child tax credit for children or young persons with a disability) is included in an award of child tax credit payable to the parent in question or a member of that parent’s family living with him.”.

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations

3.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(**c**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2) (citation, commencement and interpretation) –

- (a) after the definition of “the Child Benefit Rates Regulations”(**d**) there shall be inserted the following definition –

“ “child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;”;

- (b) the definition of “disabled person’s tax credit”(**e**) shall be omitted; and

- (c) for the definition of “working families’ tax credit”(**f**) there shall be substituted the following definition –

“ “working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;”.

(3) In regulation 10A(**g**) (assessable income: working families’ tax credit or disabled person’s tax credit paid to or in respect of a parent with care or an absent parent) in the heading and in paragraph (1) for “working families’ tax credit or disabled person’s tax credit” there shall be substituted “working tax credit”.

(4) In regulation 11(2)(a)(**h**) (protected income) after head (v) there shall be added the following head –

- “(vi) there shall be taken into account any child tax credit which is payable to the absent parent or his partner; and”.

(5) In Schedule 1 (calculation of N and M) –

- (a) in paragraphs 2(1A) and 5(5)(**i**) for “working families’ tax credit or disabled person’s tax credit” there shall be substituted “working tax credit or child tax credit”;

(a) S.R. 1992 No. 340; regulation 34A was inserted by regulation 3(23) of S.R. 1995 No. 475 and amended by regulation 20(5) of S.R. 1996 No. 289 and regulation 2(19) of S.R. 1999 No. 167; S.R. 1992 No. 340 is revoked, with savings, by regulation 29 of S.R. 2001 No. 17

(b) 2002 c. 21

(c) S.R. 1992 No. 341; relevant amending rules are S.R. 1993 No. 164, S.R. 1995 Nos. 162 and 475, S.R. 1996 Nos. 288, 317 and 590 and S.R. 1999 Nos. 246 (C. 20) and 385; S.R. 1992 No. 341 is revoked, with savings, by regulation 15 of S.R. 2001 No. 18

(d) The definition of “the Child Benefit Rates Regulations” was inserted by regulation 7(2) of S.R. 1996 No. 288

(e) The definition of “disabled person’s tax credit” was substituted for the definition of “disability working allowance” by regulation 2(3)(a) of S.R. 1999 No. 385

(f) The definition of “working families’ tax credit” was inserted by regulation 2(3)(b) of S.R. 1999 No. 385

(g) Regulation 10A was inserted by regulation 3(3) of S.R. 1996 No. 590 and amended by Article 9(5) of S.R. 1999 No. 246 (C. 20) and regulation 2 of S.R. 1999 No. 385

(h) Regulation 11(2) was amended by regulation 9(7)(b) of S.R. 1995 No. 162 and regulation 4(5)(b) of S.R. 1995 No. 475

(i) Paragraph 2(1A) was inserted by regulation 3(7)(b)(ii) of S.R. 1996 No. 590 and amended by Article 9(9)(b)(i) of S.R. 1999 No. 246 (C. 20) and regulation 2 of S.R. 1999 No. 385; paragraph 5(5) was added by regulation 3(7)(d) of S.R. 1996 No. 590 and amended by Article 9(9)(e)(i) of S.R. 1999 No. 246 (C. 20) and regulation 2 of S.R. 1999 No. 385

- (b) in paragraph 7 sub-paragraphs (2) to (5)(a) shall be omitted;
- (c) in paragraph 12(e) for the words from “under” to the end there shall be substituted “under regulation 62(2A)(b) of the Income Support (General) Regulations (Northern Ireland) 1987(b) towards such costs;”;
- (d) after paragraph 14 there shall be inserted the following paragraph –

“14A.—(1) Subject to sub-paragraph (2), payments to a person of working tax credit shall be treated as the income of the parent who has qualified for them by his normal engagement in remunerative work at the rate payable at the effective date.

(2) Where working tax credit is payable and the amount which is payable has been calculated by reference to the earnings of the absent parent and another person –

 - (a) if during the period which is used to calculate his earnings under paragraph 2 or, as the case may be, paragraph 5, the normal weekly earnings of that parent exceed those of the other person, the amount payable by way of working tax credit shall be treated as the income of that parent;
 - (b) if during that period the normal weekly earnings of that parent equal those of the other person, half of the amount payable by way of working tax credit shall be treated as the income of that parent; and
 - (c) if during that period the normal weekly earnings of that parent are less than those of that other person, the amount payable by way of working tax credit shall not be treated as the income of that parent.”; and
- (e) paragraph 16 shall be amended as follows –
 - (i) in sub-paragraph (1) for “(6)” there shall be substituted “(7)”, and
 - (ii) after sub-paragraph (6) there shall be added the following sub-paragraph –

“(7) This paragraph shall not apply to payments of working tax credit referred to in paragraph 14A.”.
- (6) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M) –
 - (a) in paragraph 22 for the words from “paragraph 19” to the end there shall be substituted “paragraph 19 of Schedule 9 to the Income Support (General) Regulations (Northern Ireland) 1987(c) which would have applied if he had been in receipt of income support.”;
 - (b) after paragraph 47C(d) there shall be inserted the following paragraph –

“47D. Any payment of child tax credit.”; and
 - (c) after paragraph 47D there shall be inserted the following paragraph—

“47E. Any payment made by an eligible person relating to housing support services in respect of which the Northern Ireland Housing Executive has paid a grant to that person under Article 4(1) of the Housing Support Services (Northern Ireland) Order 2002(e).”.
- (7) In Schedule 4(f) (cases where child support maintenance is not to be payable) paragraph (a)(xi) shall be omitted.

(a) Sub-paragraphs (2) to (5) were amended by regulation 4(8)(b) of S.R. 1996 No. 317 and regulation 2(1) of S.R. 1999 No. 385

(b) S.R. 1987 No. 459; regulation 62(2A) was inserted by regulation 7(a) of S.R. 1992 No. 147, substituted by regulation 3(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) of S.R. 2001 No. 278 and regulation 3 of S.R. 2002 No. 222

(c) Paragraph 19 was substituted by regulation 4(9)(b) of S.R. 1994 No. 77 and amended by regulation 2(12)(c) of S.R. 1995 No. 86 and Article 16(9) of S.R. 2002 No. 99

(d) Paragraph 47C was inserted by regulation 3(8)(e) of S.R. 1996 No. 590

(e) S.I. 2002/3154 (N.I. 8)

(f) Schedule 4 was amended by regulation 5(14) of S.R. 1993 No. 164, regulation 9(18) of S.R. 1995 No. 162 and regulation 2(2) of S.R. 1999 No. 385

Amendment of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations

4. In regulation 6 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992^(a) (rate of interest and calculation of interest) –

- (a) in paragraph (3) –
 - (i) for sub-paragraph (b) there shall be substituted the following sub-paragraph –
 - “(b) the reference banks are the seven largest persons for the time being who –
 - (i) have permission under Part IV of the Financial Services and Markets Act 2000^(b) to accept deposits;
 - (ii) are incorporated in the United Kingdom and carrying on there a regulated activity of accepting deposits, and
 - (iii) quote a base rate in sterling; and”, and
 - (ii) in sub-paragraph (c) for “an institution” there shall be substituted “a person referred to in sub-paragraph (b)” and for “its”, in both places where it occurs, there shall be substituted “his”;
- (b) in paragraph (4) for “an institution” there shall be substituted “a person” and for “that institution” there shall be substituted “that person”; and
- (c) after paragraph (5)(c) there shall be added the following paragraph –
 - “(6) Paragraph (3)(b) must be read with –
 - (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.”.

Amendment of the Child Support (Collection and Enforcement) Regulations

5. In regulation 8(4) of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992^(d) (interpretation of Part III—deduction from earnings orders) after sub-paragraph (e) there shall be added the following sub-paragraph –

“(f) working tax credit payable under section 10 of the Tax Credits Act 2002.”.

Amendment of the Child Support Departure Direction and Consequential Amendments Regulations

6.—(1) The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996^(e) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 9^(f) (departure directions and persons in receipt of income support, income-based jobseeker’s allowance, working families’ tax credit or disabled person’s tax credit) in the heading and in paragraphs (1)(b) and (3)(b) for “, working families’ tax credit or disabled person’s tax credit” there shall be substituted “or working tax credit”.

(3) In regulation 12^(g) (meaning of “benefit” for the purposes of Article 28E of the Order) for “working families’ tax credit, disabled person’s tax credit” there shall be substituted “working tax credit”.

(a) S.R. 1992 No. 342; relevant amending regulations are S.R. 1993 No. 164; regulation 6 is omitted, with savings, by regulations 2(5) and 5 of S.R. 2001 No. 15

(b) 2000 c. 8

(c) Paragraph (5) was added by regulation 2(5) of S.R. 1993 No. 164

(d) S.R. 1992 No. 390; regulation 8(4) was amended by regulation 3(8)(b) of S.R. 2001 No. 15

(e) S.R. 1996 No. 541; relevant amending regulations are S.R. 1998 No. 8 and S.R. 1999 No. 385; S.R. 1996 No. 541 is revoked, with savings, by regulation 33 of S.R. 2001 No. 20

(f) Regulation 9 was substituted by regulation 9(3) of S.R. 1998 No. 8 and amended by regulation 2 of S.R. 1999 No. 385

(g) Regulation 12 was amended by regulation 2 of S.R. 1999 No. 385

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

7. In regulation 7B of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999^(a) (date from which a decision superseded under Article 19 of the Child Support Order takes effect) after paragraph (17) there shall be inserted the following paragraphs –

“(17A) Where a superseding decision is made in a case to which regulation 6A(2)(a) or (3) applies, and the relevant circumstance is that a person has ceased to be a person with care in relation to a qualifying child in respect of whom the maintenance calculation was made, the decision shall take effect from the first day of the maintenance period in which that person ceased to be a person with care in relation to that qualifying child.

(17B) Where a superseding decision is made in a case to which regulation 6A(3) applies, and the relevant circumstance is that there is a further qualifying child in respect of the non-resident parent and the person with care to whom the maintenance calculation being superseded relates, the superseding decision shall take effect from –

- (a) subject to sub-paragraph (b), the first day of the maintenance period in respect of the maintenance calculation in force, following –
 - (i) where an effective application is made under Article 19(1) of the Child Support Order by the non-resident parent, the date on which that application is made, or
 - (ii) where the application made under Article 19(1) of that Order is made by the person with care, the date of notification to the non-resident parent of that application;
- (b) the first day of the maintenance period in respect of the maintenance calculation in force where the date set out in head (i) or (ii) falls on the first day of that maintenance period.

(17C) For the purposes of paragraph (17B) –

- (a) in sub-paragraph (a)(i), an application is effective if, were it an application for a maintenance calculation, it would comply with regulation 3(1) of the Maintenance Calculation Procedure Regulations;
- (b) in sub-paragraph (a)(ii), notification to the non-resident parent shall take the same form in respect of an application for a supersession as it would in regulation 5 of the Maintenance Calculation Procedure Regulations, in respect of an application for a maintenance calculation.”.

Amendment of the Child Support (Maintenance Calculation Procedure) Regulations

8.—(1) The Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001^(b) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 5(1) (notice of an application for a maintenance calculation) after “Order, or” there shall be inserted “an application”.

(3) In regulation 10 (circumstances in which a reduced benefit decision shall not be given) after paragraph (b) there shall be added –

“or

- (c) an amount prescribed under section 9(5)(c) of the Tax Credits Act 2002 (increased elements of child tax credit for children or young persons with a disability) is included in an award of child tax credit payable to the parent in question or a member of that parent’s family living with him.”.

(4) In regulation 24(1) (effective dates of maintenance calculations) after “to 28” there shall be inserted “and 30”.

^(a) S.R. 1999 No. 162; regulation 7B was inserted by regulation 2(8) of S.R. 2001 No. 23 and amended by regulation 6(4) of S.R. 2002 No. 164

^(b) S.R. 2001 No. 17; relevant amending regulations are S.R. 2002 No. 164

(5) Regulation 28(a) (effective dates of maintenance calculations in specified cases) shall be renumbered paragraph (1) of regulation 28 and –

(a) in sub-paragraph (a) for “the day following the day” there shall be substituted “the date”; and

(b) at the end there shall be added the following paragraphs –

“(2) Where an application is treated as made under Article 9(3) of the Order, references in sub-paragraphs (a) and (c) of paragraph (1) to “the date the application is made” shall mean whichever is the later of –

(a) the date of the claim for a prescribed benefit made by or in respect of the parent with care, as determined by regulation 6 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(b); and

(b) the date on which the parent with care or her partner in the claim reports to the Department (in respect of a claim for a prescribed benefit) or to the Commissioners of Inland Revenue (in respect of a claim for a tax credit) a change of circumstances, which change –

(i) relates to an existing claim, in respect of the parent with care, for a prescribed benefit, and

(ii) has the effect that the parent with care is treated as applying for a maintenance calculation under Article 9(1) of the Order (whether or not that Article already applied to that parent with care).

(3) For the purposes of –

(a) paragraph (1), “ceased to have effect” means ceased to have effect under paragraph 16 of Schedule 1 to the Order(c); and

(b) paragraph (2), “prescribed benefit” means a benefit referred to in Article 9(1) of the Order or prescribed in regulations made under that Article.”.

(6) In regulation 29(2) (revocation and savings) for “regulation 30(2)” there shall be substituted “regulation 30(1C)(b) and (2)”.

(7) In regulation 30(d) (transitional provision—effective dates and reduced benefit decisions) –

(a) for paragraphs (1) and (2) there shall be substituted the following paragraphs –

“(1) Where a maintenance assessment is, or has been, in force and an application to which regulation 28 applies is made, or is treated as made under Article 9(3) of the Order, that regulation shall apply as if in paragraph (1) references to –

(a) a maintenance calculation in force were to a maintenance assessment in force;

(b) a maintenance calculation having been in force were to a maintenance assessment having been in force; and

(c) a non-resident parent in sub-paragraph (a), the first time it occurs in sub-paragraph (b) and in sub-paragraph (c)(iii), were to an absent parent.

(1A) Where regulation 28(7) of the Child Support (Transitional Provisions) Regulations (Northern Ireland) 2001(e) (linking provisions) applies, the effective date of the maintenance calculation shall be the date which would have been the beginning of the first maintenance period in respect of the conversion decision on or after what, but for this paragraph, would have been the relevant effective date provided for in regulation 24(2) to (4).

(1B) The provisions of Schedule 3 shall apply where –

(a) an effective application for a maintenance assessment has been made under the former Order (“an assessment application”); and

(a) Regulation 28 was amended by regulation 7(7) of S.R. 2002 No. 164

(b) S.R. 1987 No. 465; regulation 6 was amended by S.R. 1988 No. 141, S.R. 1989 No. 398, S.R. 1990 Nos. 137 and 398, S.R. 1991 No. 488, S.R. 1992 No. 7, S.R. 1993 No. 375, S.R. 1994 No. 345, S.R. 1996 Nos. 354 and 449, S.R. 1997 Nos. 156 and 417, S.R. 2000 Nos. 71, 215 and 365, S.R. 2001 Nos. 175 and 176 and S.R. 2002 Nos. 67 and 323

(c) Paragraph 16 was amended by paragraph 32(5) of Schedule 6 to the Social Security (Northern Ireland) Order 1998

(d) Regulation 30 was amended by regulation 7(8) of S.R. 2002 No. 164

(e) S.R. 2001 No. 19; regulation 28(7) was amended by regulation 9(15)(f) of S.R. 2002 No. 164

- (b) an effective application for a maintenance calculation is made or an application for a maintenance calculation is treated as made under the Order (“a calculation application”).

(1C) Where the provisions of Schedule 3 apply and, by virtue of regulation 4(3) of the Maintenance Assessment Procedure Regulations, the relevant date would be –

- (a) before the prescribed date, the application to be proceeded with shall be treated as an application for a maintenance assessment;
- (b) on or after the prescribed date, that application shall be treated as an application for a maintenance calculation and the effective date of that maintenance calculation shall be the date which would be the assessment effective date if a maintenance assessment were to be made.

(2) Where –

- (a) the application for a maintenance assessment was made before the prescribed date; and
- (b) the assessment effective date of that application would be on or after the prescribed date,

the application shall be treated as an application for a maintenance calculation and the effective date of that maintenance calculation shall be the date which would be the assessment effective date if a maintenance assessment were to be made.”;

- (b) in paragraph (4) for the words before “is before” there shall be substituted “Where the assessment effective date”; and

(c) in paragraph (8) –

- (i) before the definition of “commencement date” there shall be inserted the following definitions –

“ “absent parent” has the same meaning given in Article 4(2) of the former Order;

“assessment effective date” means the effective date of the maintenance assessment under regulation 29 or 32(7) of the Maintenance Assessment Procedure Regulations(a) or regulation 3(4), (6) or (7) of the Maintenance Arrangements and Jurisdiction Regulations(b), whichever applied to the maintenance assessment in question or would have applied had the effective date not been determined under regulation 8C or 29A of the Maintenance Assessment Procedure Regulations(c);”, and

- (ii) after the definition of “prescribed date” there shall be added –

“and

“relevant date” means the date which would be the assessment effective date of the application which is to be proceeded with in accordance with Schedule 3, if a maintenance assessment were to be made.”.

(8) After Schedule 2 (multiple applications) there shall be added, as Schedule 3, the Schedule set out in the Schedule to these Regulations.

(a) Regulation 29 was amended by regulation 4(5) of S.R. 1995 No. 19, regulation 8(10) of S.R. 1995 No. 162, regulation 3(18) of S.R. 1995 No. 475 and regulation 2(13) of S.R. 1999 No. 167; regulation 32(7) was added by regulation 3(22)(b) of S.R. 1995 No. 475

(b) Regulation 3(4) was amended by regulation 7(2) of S.R. 1995 No. 475 and regulation 3(3) of S.R. 2001 No. 16, regulation 3(6) was added by regulation 3 of S.R. 1995 No. 19 and amended by regulation 3(3) of S.R. 2001 No. 16 and regulation 3(7) was added by regulation 7(4)(b) of S.R. 1995 No. 162 and amended by regulation 7(2) of S.R. 1995 No. 475 and regulation 3(2) and (3) of S.R. 2001 No. 16; paragraphs (4) to (7) of regulation 3 are omitted, with savings, by regulations 3(5)(b) and 4 of S.R. 2001 No. 16

(c) Regulations 8 to 8D were substituted for regulation 8 by regulation 3(3) of S.R. 1995 No. 475 and regulation 8C was amended by regulation 2(6) of S.R. 1999 No. 167; regulation 29A was inserted by regulation 3(19) of S.R. 1995 No. 475 and amended by regulation 2(5) of S.R. 1996 No. 590, regulation 3(7) of S.R. 1998 No. 8 and regulation 2(14) of S.R. 1999 No. 167

Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations

9.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001^(a) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (citation, commencement and interpretation) –

(a) after the definition of “an authority” there shall be inserted the following definition –

“ “child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;”;

(b) the definition of “disabled person’s tax credit” shall be omitted; and

(c) for the definition of “working families’ tax credit” there shall be substituted the following definition –

“ “working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002; and”.

(3) In regulation 8(1)(a) (persons treated as non-resident parents) for “qualifying child” there shall be substituted “child, being a child in respect of whom an application for a maintenance calculation has been made or treated as made”.

(4) In the Schedule (net weekly income) –

(a) in paragraph 6(1) for “sub-paragraphs (2) to (4)” there shall be substituted “sub-paragraphs (3) and (4)”;

(b) paragraphs 6(2) and 9(4) shall be omitted;

(c) in paragraph 11 –

(i) for “working families’ tax credit”, wherever it occurs, including in the heading, there shall be substituted “working tax credit”;

(ii) in sub-paragraph (1) for “sub-paragraphs (2) and (3)” there shall be substituted “sub-paragraph (2)”;

(iii) in sub-paragraph (2) –

(aa) for “the weekly earnings” there shall be substituted “the earnings”;

(bb) for “the normal weekly earnings”, wherever it occurs, there shall be substituted “the earnings”; and

(cc) in head (a), the words “(as determined in accordance with Chapter II of Part IV of the Family Credit (General) Regulations (Northern Ireland) 1987)” shall be omitted;

(iv) after sub-paragraph (2) there shall be inserted the following sub-paragraph –

“(2A) For the purposes of this paragraph, “earnings” means the employment income and the income from self-employment of the non-resident parent and the other person referred to in sub-paragraph (2), as determined for the purposes of their entitlement to working tax credit.”; and

(v) sub-paragraph (3) shall be omitted;

(d) paragraph 13^(b) shall be omitted; and

(e) at the end of Part IV (Tax Credits) there shall be added the following paragraph –

“Child tax credit

13A. Payments made by way of child tax credit to a non-resident parent or his partner at the rate payable at the effective date.”.

Amendment of the Child Support (Transitional Provisions) Regulations

10.—(1) The Child Support (Transitional Provisions) Regulations (Northern Ireland) 2001^(c) shall be amended in accordance with paragraphs (2) to (13).

(a) S.R. 2001 No. 18; relevant amending regulations are S.R. 2002 No. 164

(b) Paragraph 13 was substituted by regulation 8(b) of S.R. 2002 No. 164

(c) S.R. 2001 No. 19; relevant amending regulations are S.R. 2002 No. 164

- (2) In regulation 2(1) (interpretation) –
 - (a) in the definition of “commencement date” for “the Maintenance Assessment Procedure Regulations or the Maintenance Arrangements and Jurisdiction Regulations” there shall be substituted “regulation 29 or 32(7) (but not regulation 8C or 29A) of the Maintenance Assessment Procedure Regulations or regulation 3(4), (6) or (7) of the Maintenance Arrangements and Jurisdiction Regulations”; and
 - (b) in the definition of “the Maintenance Arrangements and Jurisdiction Regulations” the words after “1992” shall be omitted.
- (3) In regulation 3(1) (decision and notice of decision) –
 - (a) in sub-paragraph (a) “has an effective date before the commencement date and” shall be omitted; and
 - (b) in sub-paragraph (c) after “interim maintenance assessment” there shall be inserted “(whenever made)”.
- (4) In regulation 10(a) (circumstances in which a transitional amount is payable) after “22” there shall be inserted “, an amount calculated under regulation 26 of the Variations Regulations”.
- (5) In regulation 11 (transitional amount—basic, reduced and most flat rate cases) –
 - (a) in paragraph (1) for “paragraph (2)” there shall be substituted “paragraphs (2) and (3)”; and
 - (b) for paragraph (2) there shall be substituted the following paragraphs –
 - “(2) Subject to paragraph (3), where regulation 10 applies and there is at the calculation date more than one maintenance assessment in relation to the same absent parent, which has the meaning given in the former Order, the amount of child support maintenance payable from the case conversion date in respect of each person with care shall be determined by applying regulation 10 and paragraph (1) as if –
 - (a) the references to the new amount were to the apportioned amount payable in respect of the person with care; and
 - (b) the references to the former assessment amount were to that amount in respect of that person with care.
 - (3) Where regulation 10 applies and a conversion decision is made in a circumstance to which regulation 15(3C) applies, the amount of child support maintenance payable from the case conversion date –
 - (a) to a person with care in respect of whom an application for a maintenance calculation has been made or treated as made which is of a type referred to in regulation 15(3C)(b), shall be the apportioned amount payable in respect of that person with care; and
 - (b) in respect of any other person with care, shall be determined by applying regulation 10 and paragraph (1) as if the references to the new amount were to the apportioned amount payable in respect of that person with care and the references to the former assessment amount were to that amount in respect of that person with care.
 - (4) In this regulation, “apportioned amount” means the amount payable in respect of a person with care calculated as provided in Part I of Schedule 1 to the Order and regulations made under that Part and, where applicable, regulations 17 to 23 and Part IV of these Regulations.”.
 - (6) In regulation 15 (case conversion date) –
 - (a) in paragraph (1) for “paragraph (2)” there shall be substituted “paragraphs (2) to (3G)”; and
 - (b) in paragraph (2) –
 - (i) after “paragraph (3)” there shall be inserted “or (3A)”, and
 - (ii) for “shall be” there shall be substituted “is”;
 - (c) for paragraph (3) there shall be substituted the following paragraphs –

(a) Regulation 10 was amended by regulation 9(4) of S.R. 2002 No. 164

“(3) This paragraph applies where the maintenance calculation is made with respect to a relevant person who is a relevant person in relation to the maintenance assessment whether or not with respect to a different qualifying child.

(3A) This paragraph applies where the maintenance calculation is made in relation to a partner (“A”) of a person (“B”) who is a relevant person in relation to the maintenance assessment and –

- (a) A or B is in receipt of a prescribed benefit; and
- (b) either –
 - (i) A is the non-resident parent in relation to the maintenance calculation and B is the absent parent in relation to the maintenance assessment, or
 - (ii) A is the person with care in relation to the maintenance calculation and B is the person with care in relation to the maintenance assessment.

(3B) The case conversion date of a conversion decision made where paragraph (3C) applies is the beginning of the first maintenance period on or after the date of notification of the conversion decision.

(3C) This paragraph applies where on or after the commencement date –

- (a) there is a maintenance assessment in force;
- (b) an application is made or treated as made which, but for the maintenance assessment, would result in a maintenance calculation being made with an effective date before the conversion date;
- (c) the non-resident parent in relation to the application referred to in sub-paragraph (b) is the absent parent in relation to the maintenance assessment referred to in sub-paragraph (a); and
- (d) the person with care in relation to the application referred to in sub-paragraph (b) is a different person to the person with care in relation to the maintenance assessment referred to in sub-paragraph (a).

(3D) The case conversion date of a conversion decision made where paragraph (3E) applies is the beginning of the first maintenance period on or after the date on which the superseding decision referred to in paragraph (3E)(d) takes effect.

(3E) This paragraph applies where on or after the commencement date –

- (a) a maintenance assessment is in force in relation to a person (“C”) and a maintenance calculation is in force in relation to another person (“D”);
- (b) C or D is in receipt of a prescribed benefit;
- (c) either –
 - (i) C is the absent parent in relation to the maintenance assessment and D is the non-resident parent in relation to the maintenance calculation, or
 - (ii) C is the person with care in relation to the maintenance assessment and D is the person with care in relation to the maintenance calculation; and
- (d) the decision relating to the prescribed benefit referred to in sub-paragraph (b) is superseded on the ground that C is the partner of D.

(3F) The case conversion date of a conversion decision made where paragraph (3G) applies is the beginning of the first maintenance period on or after the date from which entitlement to the prescribed benefit referred to in paragraph (3G)(c) begins.

(3G) This paragraph applies where on or after the commencement date –

- (a) a person (“E”) in respect of whom a maintenance assessment is in force is the partner of another person (“F”) in respect of whom a maintenance calculation is in force;
- (b) either—
 - (i) E is the absent parent in relation to the maintenance assessment and F is the non-resident parent in relation to the maintenance calculation, or
 - (ii) E is the person with care in relation to the maintenance assessment and F is the person with care in relation to the maintenance calculation; and

- (c) E and F become entitled to a prescribed benefit as partners.”; and
- (d) in paragraph (4)(a) –
 - (i) before the definition of “maintenance assessment”(b) there shall be inserted the following definition –
 - “ “absent parent” has the meaning given in the former Order;”, and
 - (ii) in the definition of “relevant person” the words “, which has the meaning given in the former Order,” shall be omitted.
- (7) In regulation 16 (conversion calculation and conversion decision) –
 - (a) in paragraph (1)(c) for “23” there shall be substituted “23A”;
 - (b) after paragraph (2) there shall be inserted the following paragraph –
 - “(2A) For the purposes of Articles 29 to 38B of the Order(c) and regulations made under or by virtue of those Articles, a conversion decision shall be treated on or after the case conversion date as if it were a maintenance calculation.”; and
 - (c) in paragraph (3) –
 - (i) for “conversion calculation” there shall be substituted “conversion decision”, and
 - (ii) for “the calculation” there shall be substituted “the conversion calculation”.
- (8) In regulation 22 (effect on conversion calculation—maximum amount payable where relevant departure direction is on additional cases ground) –
 - (a) in paragraph (1)(d) for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs –
 - “(a) a weekly amount calculated by aggregating the first prescribed amount with the result of applying Part I of Schedule 1 to the Order to the additional income arising under the relevant departure direction; or
 - (b) a weekly amount calculated by applying Part I of Schedule 1 to the Order to the aggregate of the additional income arising under the relevant departure direction and the weekly amount of any benefit, pension or allowance received by the non-resident parent which is prescribed for the purposes of paragraph 4(1)(b) of that Schedule.”; and
 - (b) in paragraph (3) –
 - (i) in sub-paragraph (a) after “(special expenses)” there shall be inserted “or a relevant property transfer”, and
 - (ii) after sub-paragraph (b) there shall be added –
 - “and
 - (c) any benefit, pension or allowance referred to in sub-paragraph (b) shall not include –
 - (i) in the case of industrial injuries benefit under section 94 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(e), any increase in that benefit under section 104 (constant attendance) or 105 (exceptionally severe disablement) of that Act;
 - (ii) in the case of a war disablement pension within the meaning in section 146(2) of that Act, any award under the following articles of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(f) (“the Service Pensions Order”): article 14 (constant attendance allowance), 15 (exceptionally severe disablement allowance), 16 (severe disablement occupational allowance) or 26A (mobility

(a) Paragraph (4) was amended by regulation 9(7) of S.R. 2002 No. 164

(b) The definition of “maintenance assessment” was inserted by regulation 9(7)(b) of S.R. 2002 No. 164

(c) Article 38B was inserted by Article 16 of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)) and is amended by section 19(3) and (4) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

(d) Paragraph 1 was amended by regulation 9(10) of S.R. 2002 No. 164

(e) 1992 c. 7

(f) S.I. 1983/883; article 14 was substituted by S.I. 2001/409; a rticle 15 was amended by S.I. 2001/409; article 16 was amended by S.I. 1984/1687 and S.I. 2001/409; article 26A was inserted by S.I. 1983/1116 and amended by S.I. 1983/1521, S.I. 1986/592, S.I. 1990/1308, S.I. 1991/766, S.I. 1992/710, S.I. 1995/766, S.I. 1997/286 and S.I. 2001/409

- supplement) or any analogous allowance payable in conjunction with any other war disablement pension, and
- (iii) any award under article 18 of the Service Pensions Order(a) (unemployability allowances) which is an additional allowance in respect of a child of the non-resident parent where that child is not living with the non-resident parent.”.
- (9) In regulation 24(b) (phasing amount) –
- (a) in paragraph (3) for “paragraph (4)” there shall be substituted “paragraphs (4) and (5)”; and
- (b) after paragraph (4) there shall be added the following paragraph –
- “(5) Where the new amount is calculated under regulation 26(1) of the Variations Regulations, the “relevant income” for the purposes of paragraph (2) is the additional income arising under the variation.”.
- (10) In regulation 25 (maximum transitional amount) –
- (a) in paragraph (1) –
- (i) for “to which regulation 15(2)” there shall be substituted “to which regulation 15(3C)”, and
- (ii) for sub-paragraph (a) there shall be substituted the following sub-paragraph –
- “(a) the transitional amount payable under this Part added to, where applicable, the transitional amount payable under Part IV; and ”; and
- (b) in paragraph (3) –
- (i) after sub-paragraph (a) there shall be inserted the following sub-paragraph –
- “(aa) the amount of child support maintenance payable to a person with care in respect of whom there was a maintenance assessment in force immediately before the case conversion date and in respect of whom the amount payable is not calculated by reference to a phasing amount, shall be an amount calculated as provided in sub-paragraph (a) and, where applicable, regulations 17 to 23;”, and
- (ii) in sub-paragraph (b) for “the amount calculated as provided in sub-paragraph (a)” there shall be substituted “the amounts calculated as provided in sub-paragraphs (a) and (aa)”.
- (11) In regulation 27(c) (subsequent decision with effect in transitional period—amount payable) after paragraph (6) there shall be added the following paragraphs –
- “(7) Where paragraph (1) applies and at the date of the subsequent decision there is more than one person with care in relation to the same non-resident parent –
- (a) the amount payable to a person with care in respect of whom the amount payable is calculated by reference to a phasing amount shall be determined by applying paragraphs (1) to (5) as if references to the new amount, the subsequent decision amount and the transitional amount were to the apportioned part of the amount in question; and
- (b) the amount payable in respect of any other person with care shall be the apportioned part of the subsequent decision amount.
- (8) In paragraph (7), “apportioned part” means the amount payable in respect of a person with care calculated as provided in Part I of Schedule 1 to the Order and regulations made under that Part and, where applicable, Parts III and IV of these Regulations.
- (9) Where a subsequent decision is made in respect of a decision which is itself a subsequent decision, paragraphs (2) to (5) shall apply as if, except in paragraphs (2)(a) and (4)(a), references to the new amount were to the subsequent decision amount which applied immediately before the most recent subsequent decision.”.

(a) Article 18 was amended by S.I. 1984/1154, S.I. 1992/710, S.I. 1997/286, S.I. 2001/409 and S.I. 2002/792
(b) Paragraph (3) was amended, and paragraph (4) was added, by regulation 9(13) of S.R. 2002 No. 164
(c) Regulation 27 was amended by regulation 9(14) of S.R. 2002 No. 164

(12) In regulation 28 (linking provisions) in paragraphs (6), (7), (7A) and (8)(a)(a) for “conversion calculation”, wherever it occurs, there shall be substituted “conversion decision”.

(13) In regulation 33(1) (saving in relation to revision of, or appeal against, a conversion or subsequent decision) –

(a) for “15(2)”, where it first occurs, there shall be substituted “15(2), (3B), (3D) or (3F)”;
and

(b) for “15(2)”, where it later occurs, there shall be substituted “15(2), (3B), (3D) or (3F),
as the case may be,”.

Amendment of the Child Support (Variations) Regulations

11. In regulation 7(5)(b) of the Child Support (Variations) Regulations (Northern Ireland) 2001(b) (prescribed circumstances) for the words from “working families’ ” to “of that Act)” there shall be substituted “working tax credit under section 10 of the Tax Credits Act 2002”.

Revocations

12. The following provisions are hereby revoked –

- (a) in Schedule 2 to the Social Security and Child Support (Tax Credits Consequential Amendments) Regulations (Northern Ireland) 1999(c), in each place where they occur, the entries relating to the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 and the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996; and
- (b) regulation 8(b) of the Social Security and Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2002(d).

Sealed with the Official Seal of the Department for Social Development on 20th February 2003.

(L.S.)

John O’Neill

Senior Officer of the Department for Social Development

(a) Paragraph (7) was amended, paragraph (7A) was inserted and paragraph (8) was amended by regulation 9(15) of S.R. 2002 No. 164

(b) S.R. 2001 No. 20; regulation 7 was amended by regulation 10(2) of S.R. 2002 No. 164

(c) S.R. 1999 No. 385

(d) S.R. 2002 No. 164

SCHEDULE

Regulation 8(8)

SCHEDULE 3 TO BE ADDED TO THE CHILD SUPPORT (MAINTENANCE CALCULATION PROCEDURE) REGULATIONS

“SCHEDULE 3

Regulation 30(1B)

MULTIPLE APPLICATIONS—TRANSITIONAL PROVISIONS

No maintenance assessment or calculation in force: more than one application for maintenance by the same person under Article 7 or 9 or under Articles 7 and 9 of the former Order and of the Order

1.—(1) Where an assessment application is made and, before a maintenance assessment under the former Order is made, the applicant makes or is treated as making, as the case may be, a calculation application under Article 7 or 9 of the Order, with respect to the same person with care or with respect to a non-resident parent who is the absent parent with respect to the assessment application, as the case may be, those applications shall be treated as a single application.

(2) Where an assessment application is made by a person with care –

(a) under Article 7 of the former Order; or

(b) under Article 9(1) of the former Order,

and, before a maintenance assessment under the former Order is made, the person with care –

(i) in a case falling within head (a), is treated as making a calculation application under Article 9(1) of the Order, or

(ii) in a case falling within head (b), makes a calculation application under Article 7 of the Order,

with respect to a non-resident parent who is the absent parent with respect to the assessment application, those applications shall, if the person with care does not cease to fall within Article 9(1) of the Order, be treated as a single application under Article 9(1) of the former Order or of the Order, as the case may be, and shall otherwise be treated as a single application under Article 7 of the former Order or of the Order, as the case may be.

No maintenance assessment or calculation in force: applications by different persons for maintenance

2.—(1) Where the Department receives more than one application for maintenance with respect to the same person with care and absent parent or non-resident parent, as the case may be, it shall, if no maintenance assessment under the former Order or maintenance calculation under the Order, as the case may be, has been made in relation to any of the applications, determine which application it shall proceed with in accordance with sub-paragraphs (2) to (8).

(2) Where an application by a person with care is made under Article 7 of the former Order or of the Order, or is made under Article 9 of the former Order, or is treated as made under Article 9 of the Order, and an application is made by an absent parent or non-resident parent under Article 7 of the former Order or of the Order, as the case may be, the Department shall proceed with the application of the person with care.

(3) Where there is one absent parent and one non-resident parent in respect of the same qualifying child and an assessment application and a calculation application is received from each such person respectively, the Department shall proceed with both applications, treating them as a single application.

(4) Where a parent with care is required to authorise the Department to recover child support maintenance under Article 9 of the former Order and there is a calculation application under Article 7 of the Order by another person with care who has parental responsibility for the qualifying child or qualifying children with respect to whom the application was made under Article 9 of the former Order, the Department shall proceed with the assessment application under Article 9 of the former Order by the parent with care.

(5) Where –

(a) a person with care makes an assessment application under Article 7 of the former Order and a different person with care makes a calculation application under Article 7 of the Order and those applications are in respect of the same qualifying child or qualifying children (whether or not any of those applications is also in respect of other qualifying children);

(b) each such person has parental responsibility for that child or children; and

- (c) under regulation 20 of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 (“the Maintenance Assessments and Special Cases Regulations”) one of those persons is to be treated as an absent parent or under the provisions of regulation 8 of the Maintenance Calculations and Special Cases Regulations one of those persons is to be treated as a non-resident parent, as the case may be,

the Department shall proceed with the application of the person who does not fall to be treated as an absent parent under regulation 20 of the Maintenance Assessments and Special Cases Regulations, or as a non-resident parent under regulation 8 of the Maintenance Calculations and Special Cases Regulations, as the case may be.

(6) Where, in a case falling within sub-paragraph (5), there is more than one person who does not fall to be treated as an absent parent under regulation 20 of the Maintenance Assessments and Special Cases Regulations or as a non-resident parent under regulation 8 of the Maintenance Calculations and Special Cases Regulations, as the case may be, the Department shall apply the provisions of paragraph (7) to determine which application it shall proceed with.

(7) Where –

- (a) a person with care makes an assessment application under Article 7 of the former Order and a different person with care makes a calculation application under Article 7 of the Order and those applications are in respect of the same qualifying child or qualifying children (whether or not any of those applications is also in respect of other qualifying children); and
- (b) either –
 - (i) none of those persons has parental responsibility for that child or children, or
 - (ii) the case falls within sub-paragraph (5)(b) but the Department has not been able to determine which application it is to proceed with under the provisions of sub-paragraph (5),

the Department shall proceed with the application of the principal provider of day to day care, as determined in accordance with sub-paragraph (8).

(8) For the purposes of sub-paragraph (7), the application of the principal provider is, where –

- (a) the applications are in respect of one qualifying child, the application of that person with care to whom child benefit is paid in respect of that child;
- (b) the applications are in respect of more than one qualifying child, the application of that person with care to whom child benefit is paid in respect of those children;
- (c) the Department cannot determine which application it is to proceed with under head (a) or (b), the application of that applicant who in the opinion of the Department is the principal provider of day to day care for the child or children in question.

(9) Subject to sub-paragraph (10), where, in any case falling within sub-paragraphs (2) to (7), the applications are not in respect of identical qualifying children, the application that the Department is to proceed with as determined by those sub-paragraphs shall be treated as an application with respect to all of the qualifying children with respect to whom the applications were made.

(10) Where the Department is satisfied that the same person with care does not provide the principal day to day care for all of the qualifying children with respect to whom an application would but for the provisions of this paragraph be made under sub-paragraph (9), it shall make separate maintenance assessments under the former Order or maintenance calculations under the Order, as the case may be, in relation to each person with care providing such principal day to day care.

(11) For the purposes of this paragraph “day to day care” has the same meaning as in the Maintenance Assessments and Special Cases Regulations or the Maintenance Calculations and Special Cases Regulations, as the case may be.

Maintenance assessment in force: subsequent application with respect to the same persons

3. Where –

- (a) a maintenance assessment is in force under the former Order;
- (b) a calculation application is made or treated as made under the Article of the Order which is the same Article as the Article of the former Order under which the assessment application was made; and
- (c) the calculation application relates to –
 - (i) the same person with care and qualifying child or qualifying children as the maintenance assessment, and
 - (ii) a non-resident parent who is the absent parent with respect to the maintenance assessment,

the calculation application shall not be proceeded with.

Interpretation

4. In this Schedule “absent parent”, “former Order” and “maintenance assessment” have the meanings given in regulation 30(8).”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the amendment of various sets of Regulations relating to child support.

Regulation 1 makes provision for citation and commencement.

Regulations 2, 3(2) to (5), (6)(a) and (b) and (7), 5, 6, 8(3), 9(2) and (4) and 11 amend, respectively, the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992, the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 (“the Maintenance Assessments and Special Cases Regulations”), the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992, the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996, the Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001 (“the Maintenance Calculation Procedure Regulations”), the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001 (“the Maintenance Calculations and Special Cases Regulations”) and the Child Support (Variations) Regulations (Northern Ireland) 2001 (“the Variations Regulations”), as a result of the introduction of child tax credit and working tax credit from 6th April 2003, and the abolition of working families’ tax credit and disabled person’s tax credit, by the Tax Credits Act 2002.

Regulation 3(6)(c) amends the Maintenance Assessments and Special Cases Regulations to provide that specified payments relating to housing support services shall not be counted as income for child support purposes.

Regulation 4 amends the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992 in consequence of the Financial Services and Markets Act 2000.

Regulation 7 amends the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 to provide new dates from which a child support decision, which is superseded under Article 19 of the Child Support (Northern Ireland) Order 1991 (“the Order”), takes effect.

Regulation 8 amends the Maintenance Calculation Procedure Regulations. Regulation 8(2) and (4) to (6) makes clarifying and minor amendments. Regulation 8(7) makes additions to the transitional provisions in regulation 30 of those Regulations and inserts provision to set the effective date of a maintenance calculation in a case where regulation 28(7) of the Child Support (Transitional Provisions) Regulations (Northern Ireland) 2001 (“the Transitional Regulations”) applies. Regulation 8(8) and the Schedule add Schedule 3 to the Maintenance Calculation Procedure Regulations.

Regulation 9(3) makes a minor clarifying amendment to the Maintenance Calculations and Special Cases Regulations.

Regulation 10 amends the Transitional Regulations. Regulation 10(2), (3), (7) and (12) makes minor amendments. Regulation 10(4) inserts a reference to regulation 26 of the Variations Regulations into regulation 10 of the Transitional Regulations, to bring cases to which that regulation 26 applies within the scope of that regulation 10. Regulation 10(5), (10) and (11) makes amendments for cases where there are two or more persons with care in respect of one non-resident parent and one or more person with care, but not all of them, had a maintenance assessment under the current scheme or is not affected by the phasing provisions in the Transitional Regulations. Regulation 10(6) amends regulation 15 of the Transitional Regulations to make further provision for cases where the conversion of a case from the current scheme to the new scheme will be triggered. Regulation 10(8) amends regulation 22 of the Transitional Regulations to provide for the amounts of child support maintenance payable in cases within the scope of that provision. Regulation 10(9) amends regulation 24 of the

Transitional Regulations to provide for the phasing amount which is to apply in a case to which regulation 26 of the Variations Regulations applies. Regulation 10(13) makes an amendment in consequence of the amendments made by regulation 10(6).

Regulation 12 makes consequential revocations.

Articles 19(5), 28B(2)(c), 28E(5) and 43(5) of, and paragraphs 5, 6, 7 and 10 of Schedule 1 and paragraphs 2(2) and 5(1) of Schedule 4B to, the Order and section 28 of the Child Support, Pensions and Social Security (Northern Ireland) Act 2000 (“the Act”) are some of the enabling provisions under which these Regulations are made. Articles 28B and 43 of, and Part I of Schedule 1 and Schedule 4B to, the Order are substituted by, respectively, sections 5(2) and 18 of, and Schedule 1 and Part II of Schedule 2 to, the Act. Articles 19 and 28E of the Order are amended by, respectively, sections 9 and 5(4) of the Act. Sections 5, 9, 18 and 28 of, and Schedule 1 and Part II of Schedule 2 to, the Act were brought into operation, for the purpose only of authorising the making of 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)). Section 28, in so far as not already in operation, and sections 5, 9 and 18 of, and Schedule 1 and Part II of Schedule 2 to, the Act, in so far as not already in operation, for the purpose of certain cases, are brought into operation on 3rd March 2003, by virtue of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 9) Order (Northern Ireland) 2003 (S.R. 2003 No. 53 (C. 4)).

These Regulations do not impose costs on business.

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