Regulations made by the Department for Communities and laid before the Assembly under Article 48(2) of the Child Support (Northern Ireland) Order 1991 for approval of the Assembly before the expiration of six months from the date of their coming into operation

STATUTORY RULES OF NORTHERN IRELAND

2019 No. 222

FAMILY LAW

CHILD SUPPORT

The Child Support (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2019

Made - - - - 06th December 2019

Coming into operation in accordance with regulation 1

The Department for Communities makes the following Regulations in exercise of the powers conferred by Articles 16(1), 38E, 40, 47(1) and 48(4) of, and paragraph 10 of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(**1**), sections 5(1)(q) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and section 3(1) and (2) of the Child Maintenance Act (Northern Ireland) 2008(**3**), and now vested in it(**4**).

PART 1

INTRODUCTION

Citation and commencement

1.—(1) These Regulations may be cited as the Child Support (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2019 and shall come into operation on 10th December 2019.

(**1**) S.I. 1991/2628 (N.I. 23). Article 16(1) was amended by section 12 and is amended by paragraph 16 of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) ("the 2000 Act") and by Schedule 5 to the Child Maintenance Act (Northern Ireland) 2008 (c. 10 (N.I.)) ("the 2008 Act"). Article 38E was inserted by section 24 of the 2008 Act. Article 40 was substituted by section 20 of the 2000 Act

(**2**) 1992 c. 8 (N.I.)

(**3**) 2008 c. 10. (N.I.) Section 3(2) was amended by Article 130 of the Welfare Reform (Northern Ireland) Order 2015 (N.I. 1)

(**4**) *See* Article 8(b) of S.R. 1999 No. 481 and Section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

PART 2

AMENDMENTS RELATING TO DEDUCTIONS FROM BENEFITS

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**5**) are amended as follows.

(2) In Schedule 8A (deductions from benefits and direct payments to third parties), omit paragraphs 7A (payments in place of payments of child support maintenance) and 7B (arrears of child support maintenance).

(3) In Schedule 8C (deductions from benefit in respect of child support maintenance and payment to persons with care)—

(a) In paragraph 1 (interpretation), in the definition of "maintenance", for "paragraph 3" substitute "paragraph 3(1)".

(b) In paragraph 3 (arrears)—

(i) in sub-paragraph (1)—

(aa) omit the words from "Except where" to "his partner";

(bb) for "£1.20" substitute "£8.40";

(cc) omit ", subject to sub-paragraph (2),";

(ii) after sub-paragraph (1), insert—

"(1A) No deduction may be made under sub-paragraph (1) if the beneficiary is liable to pay maintenance.";

(iii) omit sub-paragraph (2).

Amendment of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations

3.—(1) The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(**6**) are amended as follows.

(2) In Schedule 5 (deductions from benefit and direct payment to third parties), omit paragraph 11.

(3) In Schedule 6 (deductions from benefit in respect of child support maintenance and payments to persons with care)—

(a) In paragraph 1, in the definition of "maintenance"—

(i) for "paragraph 3" substitute "paragraph 3(1)";

(ii) for "paragraph 4(1)(b)" substitute "paragraph 4(1)(a), (b)".

(b) In paragraph 3—

(i) in sub-paragraph (1)—

(aa) omit "Except where universal credit is awarded to the beneficiary,";

(bb) for "£1.20" substitute "£8.40";

(cc) omit ", subject to sub-paragraph (2),";

(**5**) S.R. 1987 No. 465
(**6**) S.R. 2016 No. 220

(dd) for "or jobseeker's allowance" substitute ", jobseeker's allowance or universal credit";

(ii) after sub-paragraph (1), insert—

"(1A) No deduction may be made under sub-paragraph (1) if the beneficiary is liable to pay maintenance.";

(iii) omit sub-paragraph (2).

PART 3

WRITE OFF OF ARREARS OF CHILD MAINTENANCE SUPPORT

Amendment of the Child Support (Management of Payments and Arrears) Regulations

4.—(1) The Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009(**7**) are amended as follows.

(2) In regulation 13F (circumstances in which the Department may exercise the power in Article 38E of the Order)—

(a) omit "or" at the end of paragraph (f);

(b) at end of paragraph (g) insert—

": or

(h) the non-resident parent has been discharged under section 184 of the Bankruptcy (Scotland) Act 2016(**8**) (protected trust deed: discharge of debtor) from liability for the arrears.";

(3) In regulation 13G(2), after "13F(g)" insert—

", 13F(h)".

PART 4

INFORMATION

Amendment of the Child Support Information Regulations

5.—(1) The Child Support Information Regulations (Northern Ireland) 2008(**9**) are amended as follows.

(2) In regulation 4(2) (information from other persons), after sub-paragraph (k), insert—

";

(l) a qualifying lender (within the meaning given in Article 14(7) of the Welfare Reform and Work (Northern Ireland) Order 2016(**10**));

(m) a trustee or manager of an occupational pension scheme (within the meaning of section 1(1) of the Pensions Schemes (Northern Ireland) Act 1993(**11**)).".

(**7**) S.R. 2009 No. 422; Regulation 13F was inserted by regulation 2 of S.R. 2012 No. 439 and amended by regulation 4(3)(b) of S.R. 2018 No. 210
(**8**) 2016 asp 21
(**9**) S.R. 2008 No. 403
(**10**) S.R. 2016 No. 999 (N.I. 1)
(**11**) 1993 c. 49; Regulation 4 was inserted by Article 216 of Pensions (Northern Ireland) Order 2005