STATUTORY RULES OF NORTHERN IRELAND

2016 No. 193

FAMILY LAW

CHILD SUPPORT

The Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations (Northern Ireland) 2016

Made - - - - 11th March 2016

Coming into operation 23rd May 2016

Approved by resolution of the Assembly on 8th November 2016

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 32C(1) and (2)(l), (n) and (p), 32J(1) and (2)(g) and (i) and 47(1) and 48(4) of the Child Support (Northern Ireland) Order 1991(**1**) and now vested in it(**2**) and sections 3(1) to (3) and 36(1) and (2) of the Child Maintenance Act (Northern Ireland) 2008(**3**).

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Child Support (Deduction Orders and Fees) (Amendment and Modification Regulations (Northern Ireland) 2016 and shall come into operation on 23rd May 2016.

(2) Regulations 2(2)(b) and 3 cease to have effect on 22nd May 2021 and the Child Support Fees Regulations 2014(**4**) apply thereafter as if the amendments made to them by regulation 3 had not been made.

Modification of the Child Support (Collection and Enforcement) Regulations

2.—(1) The Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992(**5**) are modified as follows in relation to a case in which liability to pay child support maintenance is calculated in accordance with Part 1 of Schedule 1 (calculation of weekly amount of child support maintenance) to the Child Support (Northern Ireland) Order 1991(**6**) as amended by paragraph 2 of Schedule 1 (changes to the calculation of maintenance) to the Child Maintenance Act (Northern Ireland) 2008.

(**1**) S.I. 1991/2628 (N.I. 23); Articles 32C and 32J where inserted respectively by sections 14 and 15 of the Child Maintenance Act (Northern Ireland) 2008 (c. 10 (N.I.))
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) 2008 (c. 10 (N.I.)); section 3 was amended by Article 130 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))
(**4**) S.R. 2014 No. 182
(**5**) S.R. 1992 No. 390; Regulations 25A to 25AD were inserted by Regulation 2 of S.R. 2009 No. 286
(**6**) Part 1 of Schedule 1 was substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

(2) Regulation 25I(2) (variation of a regular deduction order) has effect as if—

(a) in sub-paragraph (a)—

(i) in head (i), after "arrears" there were inserted "or a payment towards an enforcement fee";

(ii) in head (ii), after "maintenance" there were inserted "and, where payable, fees";

(b) in sub-paragraph (c) the word "or" is omitted; and

(c) there were inserted at the end of sub-paragraph (d)—

";or

(e) there are arrears that are not included in the order.".

(3) Regulation 25J(2)(a) (lapse of a regular deduction order) has effect as if after "maintenance calculation" there were inserted "and an alternative method of payment of fees (where payable)".

(4) Regulation 25L(1)(b) (discharge of a regular deduction order) has effect as if after "regulation 2" there were inserted "and any fees have been paid in full".

(5) Regulation 25S(2)(c) (lapse of a lump sum deduction order) has effect as if after "maintenance calculation" there were inserted "and an alternative method of payment of fees (where payable)".

(6) Regulation 25U(1) (discharge of a lump sum deduction order) has effect as if—

(a) in sub-paragraph (b), after "regulation 2" there were inserted "and fees specified in the order have been paid in full"; and

(b) in sub-paragraph (c), after "and the liable person" there were inserted "and the total amount of any fees specified in the order have been paid".

Amendment of the Child Support Fees Regulations

3.—(1) The Child Support Fees Regulations (Northern Ireland) 2014(**7**) are amended as follows.

(2) In regulation 6 (enforcement fee)—

(a) the existing provision becomes paragraph (1);

(b) after paragraph (1) insert—

"(2) An enforcement fee of £50 is payable to the Department by a non-resident parent in a case where—

(a) regulation 8B(2) (waiver of a collection fee and an enforcement fee in certain segment 5 cases) is satisfied;

(b) the Department makes a determination that the payment arrangement referred to in regulation 8B(2)(c) is to end;

(c) the deduction from earnings order referred to in regulation 8B(2)(c)(ii) is varied on or after the date on which that determination is made; and

(d) that deduction from earnings order has not been varied previously on or after the date on which that determination is made.".

(3) In regulation 8 (waiver of an enforcement fee)—

(a) in paragraph (1) after "6" insert "(1)";

(b) after paragraph (1) insert—

"(1A) An enforcement fee payable under regulation 6(2) may be waived in the circumstances specified in paragraphs (4)(c) and (6).";

(**7**) S.R. 2014 No. 182