STATUTORY RULES OF NORTHERN IRELAND

2014 No. 191

FAMILY LAW

CHILD SUPPORT

The Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations (Northern Ireland) 2014

Made - - - -	*26th June 2014*
Coming into operation	*30th June 2014*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 11 and 36(1) and (2) of, and paragraphs 2, 3, 5 and 6 of Schedule 2 to, the Child Maintenance Act (Northern Ireland) 2008 [F1].

F1 2008 c. 10 (N.I.)

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations (Northern Ireland) 2014 and shall come into operation on 30th June 2014.

(2) In these Regulations—

"the Child Support Order" means the Child Support (Northern Ireland) Order 1991 [F2];

"the 1992 Regulations" means the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 [F3];

"the 2008 Act" means the Child Maintenance Act (Northern Ireland) 2008;

"absent parent" has the meaning given in Article 4(2) of the Child Support Order;

"liability end date" has the meaning given in regulation 6;

"non-resident parent" has the meaning given in Article 4(2) of the Child Support Order [F4];

"person with care" has the meaning given in Article 4(3) of the Child Support Order;

"partner" has the meaning given in paragraph 10C(4) of Schedule 1 to the Child Support Order [F5];

"prescribed benefit" means a benefit prescribed by regulations made under paragraph 4(1)(c) of Schedule 1 to the Child Support Order;

"qualifying child" has the meaning given in Article 4(1) of the Child Support Order [F6];

"the scheme" means the scheme prepared by the Department under regulation 3(1); and

"transition period" has the meaning given in regulation 3(2) and (3).

(3) For the purposes of these Regulations an existing case is related to an application made under Article 7(1) of the Child Support Order [F7] if—

(a) the non-resident parent in relation to that application is also the non-resident parent or absent parent in relation to the existing case and the person with care in relation to that application is not the person with care in relation to the existing case; or

(b) the non-resident parent in relation to that application is a partner of a non-resident parent or absent parent and either or both are in receipt of a prescribed benefit.

F2 S.I. 1991/2628 (N.I. 23)
F3 S.R. 1992 No. 341
F4 The term "non-resident parent" is substituted for the definition of "absent parent" by paragraph 11 of Schedule 3, to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c.4 (N.I.)) ("the 2000 Act")
F5 Schedule 1 Part 1 is substituted by Schedule 1 to the 2000 Act
F6 Article 4(1) is amended by paragraph 11 of Schedule 3 to the 2000 Act
F7 Article 7(1) is amended by section 1(2)(a) and paragraph 11 of Schedule 3 to the 2000 Act

Meaning of "interested parties"

2. For the purposes of Schedule 2 to the 2008 Act "interested parties" means, in relation to an existing case—

(a) the absent parent or the non-resident parent; and

(b) the person with care.

Scheme in relation to ending liability in existing cases

3.—(1) The power under paragraph 1(1) of Schedule 2 to the 2008 Act must be exercised in accordance with a scheme prepared by the Department.

(2) The transition period during which the power in paragraph 1(1) of Schedule 2 to the 2008 Act may be exercised shall begin on the day on which these Regulations come into operation.

(3) The scheme prepared by the Department shall state the date on which the transition period ends.

(4) The scheme may be revised from time to time by the Department.

Staging under the scheme

4.—(1) The scheme prepared by the Department must make provision for the exercise of the power in paragraph 1(1) of Schedule 2 to the 2008 Act in stages, applying the principles in paragraphs (2) to (4).

(2) Where an application is made under Article 7(1) of the Child Support Order during the transition period the power is to be exercised in relation to any existing case that is related to that application.

(3) The power is not to be exercised in relation to an existing case where the youngest, or only, qualifying child will have reached the age of 20 before the end of the transition period unless that case is related to an application referred to under paragraph (2).

(4) Cases other than those to which either paragraphs (2) or (3) apply, are to be selected in tranches and, in making that selection priority may be given to cases where—

(a) the nil rate is payable under regulation 26 (cases where child support maintenance is not to be payable) of the 1992 Regulations [F8];

(b) regulation 28 (amount payable where absent parent is in receipt of income support or other prescribed benefit) of the 1992 Regulations [F9] applies;

(c) the nil rate is payable under regulation 5 (nil rate) of the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001 [F10].

F8 Regulation 26 was amended by regulation 9(13) of S.R. 1995 No. 162 and regulation 4(12) of S.R. 1998 No. 8

F9 Regulation 28 was amended by regulation 5(10) of S.R. 1993 No. 164, **regulation 2(2)** of S.R. 1993 No.191, **regulation 21(3)** of S.R. 1996 No. 289, **regulation 4(13)** of S.R. 1998 No. 8 and regulation 18(4) of S.R. 2008 No. 286

F10 S.R. 2001 No. 18; regulation 5 was amended by regulation 6(4) of S.R. 2003 No. 469, **regulation 7(2)** of S.R. 2004 No. 428, **regulation 26(4)** of S.R. 2008 No. 286 and regulation 7 of S.R. 2009 No. 133

Exercise of the choice as to whether or not to stay in the statutory scheme

5.—(1) The right to make a choice required under paragraph 1(1) of Schedule 2 to the 2008 Act must be exercised in accordance with this regulation.

(2) An interested party must make a choice following receipt of written notice given by the Department.

(3) The notice to the interested parties must specify—

(a) the liability end date; and

(b) the manner in which they are to exercise a choice to remain in the statutory scheme.

(4) A party is taken to have received written notice in accordance with paragraph (2) on the second day after the notice is sent by post to that party's last known or notified address.

(5) A choice to remain in the statutory scheme must be made—

(a) by way of an application to the Department for a maintenance calculation; and

(b) before the liability end date.

(6) The Department may require information to be provided in an application made under paragraph (5) and may do so despite such information having been notified for the purposes of the existing case.

(7) The Department may withdraw a notice given under paragraph (2) where—

(a) in the Department's opinion the notice was given in error; and

(b) the date of withdrawal is earlier than 30 days from the liability end date.

Liability end date

6.—(1) Subject to paragraph (2), the date determined for the purposes of paragraph 5(1) and (2) of Schedule 2 to the 2008 Act is—