STATUTORY RULES OF NORTHERN IRELAND

2014 No. 182

FAMILY LAW

CHILD SUPPORT

SOCIAL SECURITY

The Child Support Fees Regulations (Northern Ireland) 2014

Made - - - - 24th June 2014

Coming into operation in accordance with regulation 1

Approved by resolution of the Assembly on 24th November 2014

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 5(1)(q) and 165(4) of the Social Security Administration (Northern Ireland) Act 1992(**1**), Articles 40(1) and 47(1) of the Child Support (Northern Ireland) Order 1991(**2**) and now vested in it(**3**) and sections 3(1) to (4) and 36(1) and (2) of the Child Maintenance Act (Northern Ireland) 2008(**4**).

PART 1

Citation, commencement and interpretation

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support Fees Regulations (Northern Ireland) 2014 and subject to paragraph (2) shall come into operation on 30th June 2014.

(2) Regulations 2, 3, 4 and 10 shall come into operation on 11th August 2014.

(3) In these Regulations—

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

"the Child Support Order" means the Child Support (Northern Ireland) Order 1991; and

"non-resident parent" has the meaning given in Article 4(2) of the Child Support Order(**5**).

(**1**) 1992 c. 8 (N.I.)
(**2**) S.I. 1991/2628 (N.I. 23); Article 40 was amended by paragraph 25 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I.10)) and is substituted by section 20 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) ("the 2000 Act")
(**3**) *See* Article 8(b) of S.R. 1999 No. 481
(**4**) 2008 (c. 10 (N.I.))
(**5**) The term "non-resident parent" is substituted for the definition of "absent parent" by paragraph 11 of Schedule 3 to the 2000 Act

PART 2

Collection fee

Interpretation of this Part

2. For the purposes of this Part—

"child support maintenance" means child support maintenance calculated under Part 1 of Schedule 1 to the Child Support Order(**6**) as amended by Schedule 1 to the 2008 Act, which has accrued on or after the date on which this regulation comes into operation;

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

The collection fee

3.—(1) A collection fee is payable to the Department by—

(a) the non-resident parent; and

(b) the person with care,

in relation to a case where there are arrangements for collection.

(2) The amount of the collection fee payable by a non-resident parent in respect of each day is—

(a) subject to sub-paragraph (b), 20% of the daily amount;

(b) where there is more than one person with care in relation to that non-resident parent, in respect of each person with care, 20% of the alternative daily amount.

(3) The amount of the collection fee payable by a person with care is 4% of any payment of child support maintenance in relation to which there are arrangements for collection, which the Department has collected and which would otherwise be paid to that person.

(4) In this regulation—

"alternative daily amount" means the alternative weekly amount divided by 7;

"alternative weekly amount" means the weekly amount of child support maintenance that the non-resident parent is liable to pay in respect of the person with care in question and in relation to which there are arrangements for collection;

"daily amount" means the weekly amount divided by 7;

"weekly amount" means the weekly amount of child support maintenance that the non-resident parent is liable to pay and in relation to which there are arrangements for collection.

(5) Where a calculation carried out under this regulation results in a fraction of a penny, that is to be treated as a penny if it is either one half or exceeds one half, and otherwise it is to be disregarded.

(6) For the purposes of this regulation, there are arrangements for collection where the Department is making arrangements in accordance with paragraph (7) to collect child support maintenance under Article 29(1) of the Child Support Order(**7**) and the payments of child support maintenance are transmitted through the Department.

(7) Arrangements for the collection of child support maintenance payable may be made where—

(a) the non-resident parent agrees to the arrangements; or

(**6**) Part 1 of Schedule 1 is substituted by section 1(3) of and Schedule 1 to the 2000 Act and amended by Schedule 1 to the Child Support Maintenance Act (Northern Ireland) 2008

(**7**) Article 29(1) was amended by section 1(2)(a) of the 2000 Act and Schedule 5 to the Child Maintenance Act (Northern Ireland) 2008

(b) the Department is satisfied that without the arrangements child support maintenance is unlikely to be paid in accordance with the calculation.

Recovery of the collection fee

4.—(1) Any amount of the collection fee payable by a non-resident parent under regulation 3 (the collection fee) may be recovered by the Department from any payment made by that non-resident parent to the Department.

(2) Any amount of the collection fee payable by a person with care under regulation 3 may be recovered by the Department from any payment of child support maintenance which would otherwise be paid to that person by the Department.

PART 3

Enforcement fee

Interpretation of this Part

5. For the purposes of this Part—

"armed forces" means the naval, military and air forces of the Crown;

"child support maintenance" means child support maintenance calculated under Part 1 of Schedule 1 to the Child Support Order as amended by Schedule 1 to the 2008 Act;

"committed to operations" means deployed on an operational tour of duty and includes pre-operational training and leave, rest and recuperation during an operational tour of duty and post-operational leave;

"deduction from earnings order" means an order made under Article 31(2) of the Child Support Order(**8**) and, with the exception of where it appears in regulation 8(4)(b) (waiver of an enforcement fee), includes a deduction from earnings request;

"deduction from earnings request" means a request from the Department in respect of a non-resident parent, who is a member of the armed forces and who is liable to pay child support maintenance, for a sum to be deducted from that non-resident parent's pay and appropriated in or towards satisfaction of the non-resident parent's obligation to pay child support maintenance;

"liability order" means an order made under Article 33(3) of the Child Support Order;

"lump sum deduction order" means an order made under Article 32E(1) of the Child Support Order(**9**); and

"regular deduction order" means an order made under Article 32A(1) of the Child Support Order(**10**).

Enforcement fee

6. An enforcement fee of an amount set out in column (2) of the table is payable to the Department by a non-resident parent when the Department takes a method of enforcement action specified in column (1) of the table to secure payment of child support maintenance.

(**8**) Article 31(2) was amended by section 1(2)(a) of the 2000 Act
(**9**) Article 32E(1) was inserted by section 15 of the Child Maintenance Act (Northern Ireland) 2008
(**10**) Article 32A(1) was inserted by section 14 of the Child Maintenance Act (Northern Ireland) 2008