STATUTORY RULES OF NORTHERN IRELAND

2013 No. 190

FAMILY LAW

CHILD SUPPORT

SOCIAL SECURITY

The Child Support and Claims and Payments (Miscellaneous Amendments and Change to the Minimum Amount of Liability) Regulations (Northern Ireland) 2013

Made - - - - 10th July 2013

Coming into operation in accordance with regulation 1

Approved by resolution of the Assembly on 4th November 2013

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 16(1), 38E, 40, and 48(4) of, and paragraphs 3(2) and 10A(1)(b) of Schedule 1, paragraphs 4(1) and 5 of Schedule 4B to, the Child Support (Northern Ireland) Order 1991(**1**), and section 5(1)(q) of the Social Security Administration (Northern Ireland) Act 1992(**2**), and now vested in it(**3**).

Citation and commencement

1.—(1) These Regulations may be cited as the Child Support and Claims and Payments (Miscellaneous Amendments and Change to the Minimum Amount of Liability) Regulations (Northern Ireland) 2013.

(2) These Regulations come into operation in relation to a case to which the new calculation rules apply on the day which paragraph 2 of Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008(**4**) (calculation by reference to gross weekly income) comes into operation for all purposes.

(**1**) S.I. 1991/2628 (N.I. 23); Article 16(1) was amended by section 12 of, 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.)) and by Schedule 5 to the Child Maintenance Act (Northern Ireland) 2008 (c. 10 (N.I.)); Article 38E was inserted by section 24 of the Child Maintenance Act (Northern Ireland) 2008; 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; paragraph 3(2) of Schedule 1 is substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; paragraph 10A(1)(b) is substituted by section 1(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and was amended by paragraph 1(26) of Schedule 4 to the Child Maintenance Act (Northern Ireland) 2008; Schedule 4B was inserted by Article 3(3) and Schedule 2 to the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)) and is substituted by section 6 and Schedule 2 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**2**) 1992 c. 8

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

(**4**) 2008 (c. 10 (N.I.))

(3) In paragraph (2), "a case to which the new calculation rules apply" means a case in which liability to pay child support maintenance is calculated in accordance with Part 1 of Schedule 1 to the Child Support (Northern Ireland) Order 1991 (calculation of weekly amount of child support maintenance) as amended by paragraph 2 of Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008.

Amendment of the Child Support Order

2. Paragraph 5A(2) of Schedule 1 to the Child Support (Northern Ireland) Order 1991(**5**) (non-resident party to other maintenance arrangement) shall have effect as if for "£5" there is substituted "£7".

Amendment of the Social Security (Claims and Payments) Regulations

3. In paragraphs 5(2) and 6(2) of Schedule 8C to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**6**) (deductions from benefit in respect of child support maintenance and payment to persons with care)—

(a) for "£5" substitute "the flat rate of maintenance", and

(b) after Regulations" insert "or regulation 43(3) of the Child Maintenance Calculation Regulations (Northern Ireland) 2012(**7**)."

Amendment of the Child Support Information Regulations

4. In regulation 9A(9) of the Child Support Information Regulations (Northern Ireland) 2008(**8**) (duty to notify increase in current income), for "£5" substitute "£7".

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

5. In regulation 13F of the Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009(**9**) (circumstances in which the Department may exercise the power in Article 38Eof the Order), after paragraph (a) insert—

"(aa) the person with care, has died;".

Amendment of the Child Support Maintenance Calculation Regulations

6.—(1) The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 are amended as follows.

(2) In regulation 42 (reduced rate), for the Table substitute—

	"Number of relevant other children of the non-resident parent	T (%)
1 qualifying child of the non-resident parent	0	17.0
	1	14.1

(**5**) Part 1 of Schedule 1 is substituted by section 1(3) of and Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 5A is inserted by paragraph 5 of Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008

(**6**) S.R. 1987 No. 465; Schedule 8C was inserted by regulation 2(3) of S.R. 2001 No. 22

(**7**) S.R. 2012 No. 427

(**8**) S.R. 2008 No. 403; regulation 9A was inserted by regulation 8(4) of S.R. 2012 No. 438

(**9**) S.R. 2009 No. 422; regulation 13F was inserted by regulation 2 of S.R. 2012 No. 439