STATUTORY RULES OF NORTHERN IRELAND

2011 No. 226

FAMILY LAW

CHILD SUPPORT

The Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2011

Made - - - -	*17th June 2011*
Coming into operation	*4th July 2011*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 18(1), 19(3) and (5), 47(1), and 48(4) of, and paragraph 11(1) of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(**1**), and now vested in it(**2**).

Citation and commencement

1. These Regulations may be cited as the Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2011 and shall come into operation on 4th July 2011.

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations

2.—(1) The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(**3**) are amended as follows.

(2) In regulation 16(6)(**4**) (revision of decisions) substitute—

"(6) Paragraph (1) shall not apply in respect of a material change of circumstances which—

(a) occurred since the date on which the decision was made; or

(b) is expected, according to information or evidence which the Department has, to occur.".

(**1**) S.I. 1991/2628 (N.I. 23); Article 18 was substituted by Article 40 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and paragraph (1) is amended by section 8(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)); Article 19 was substituted by Article 41 of the Social Security (Northern Ireland) Order 1998; paragraph 11(1) of Part II of Schedule 1 is amended by section 1(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

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

(**3**) S.R. 1992 No. 340; relevant amending Regulations are S.R. 1999 No. 167, S.R. 2000 No. 215, S.R. 2003 No. 224, S.R. 2005 No. 125, S.R. 2008 No. 404 and S.R. 2009 No. 363 and is revoked with savings by regulation 29 of S.R. 2001 No. 17

(**4**) Regulation 16 was substituted by regulation 2(12) of S.R. 1999 No. 167 and paragraph (6) was amended by regulation 4(3) of S.R. 2000 No. 215

(3) In regulation 20(5)(**5**) (circumstances in which a decision may not be superseded)—

(a) omit "or" after sub-paragraph (b); and

(b) after sub-paragraph (c) add—

"or

(d) a decision is superseded and in relation to that superseding decision a maintenance assessment is made to which paragraph 15 of Part II of Schedule 1 to the Order(**6**) applies.".

(4) In regulation 22(**7**) (date from which a superseding decision takes effect)—

(a) for paragraph (2) substitute—

"(2) Where a superseding decision is made in a case to which regulation 19(2)(a) applies and—

(a) the absent parent begins or ceases to receive a benefit mentioned in Schedule 4 to the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(**8**) (case where child support maintenance is not to be payable); or

(b) the absent parent or person with care begins or ceases to be a person who receives a benefit referred to in paragraph 5(4) of Schedule 1 to the Order(**9**) (assessable income),

the decision takes effect from the first day of the maintenance period in which the change occurred.";

(b) for paragraph (19)(**10**)substitute—

"(19) Where a superseding decision is made in a case to which regulation 19(2)(a) or (3) applies and the material circumstance is—

(a) a qualifying child dies or ceases to be a qualifying child; or

(b) a relevant child dies or ceases to be a relevant child,

the decision shall take effect as from the first day of the maintenance period in which the change occurred.";

(c) after paragraph (21A), insert—

"(21B) Where—

(a) a superseding decision is made in a case to which regulation 19(3)(**11**) applies; and

(b) in relation to that decision, a maintenance assessment is made to which paragraph 15 of Part II of Schedule 1 to the Order(**12**) applies,

(**5**) Regulation 20 was substituted by regulation 2(12) of S.R. 1999 No. 167

(**6**) Paragraph 15 was amended by paragraph 32(4) of Schedule 6, to the Social Security (Northern Ireland) Order 1998 and is amended by section 1(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**7**) Regulation 22 was substituted by regulation 2(12) of S.R. 1999 No. 167 and amended by regulation 4(5) of S.R. 2000 No. 215, regulation 5(3) of S.R. 2003 No. 224, regulation 2(5) of S.R. 2005 No. 125, regulation 2(6) of S.R. 2008 No. 404 and regulation 2(3) of S.R. 2009 No. 363

(**8**) S.R. 1992 No. 341

(**9**) Paragraph 5(4) was amended by paragraph 4(7) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) and paragraph 2(8) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and is amended by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**10**) Paragraph 19 was added by regulation 4(5)(b) of S.R. 2000 No. 215

(**11**) Regulation 19 was substituted by regulation 2(12) of S.R. 1999 No. 167 and paragraph (3) was amended by regulation 4(4) of S.R. 2000 No. 215 and regulation 2(4) of S.R. 2005 No. 125

(**12**) Paragraph 15 was amended by paragraph 32(4) of Schedule 6, to the Social Security (Northern Ireland) Order 1998 and is amended by section 1(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000