STATUTORY RULES OF NORTHERN IRELAND

2008 No. 404

FAMILY LAW

CHILD SUPPORT

The Child Support (Consequential Provisions) Regulations (Northern Ireland) 2008

Made - - - -	*2nd October 2008*
Coming into operation	*27th October 2008*

The Department for Social Development makes the following Regulations in exercise of the power conferred by section 38(2) of the Child Maintenance Act (Northern Ireland) 2008(**1**).

Citation and commencement

1. These Regulations may be cited as the Child Support (Consequential Provisions) Regulations (Northern Ireland) 2008 and shall come into operation on 27th October 2008.

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations

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

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2), omit the definition of "direction"; and

(b) omit paragraph (3)(**3**).

(3) In regulation 2 (applications under Article 7 or 9 of the Order)—

(a) in the heading, omit "or 9"; and

(b) in paragraph (2), omit "under Article 9 of the Order or".

(4) In regulation 16(8)(a)(**4**) (revision of decisions), omit "a reduced benefit direction or".

(5) In regulation 19(11)(a)(**5**) (supersession of decisions), omit "a reduced benefit direction or".

(**1**) 2008 c. 10 (N.I.)
(**2**) S.R. 1992 No. 340; which is revoked with savings by regulation 29 of S.R. 2001 No. 17
(**3**) Paragraph (3) was amended by regulation 3(2) of S.R. 1995 No. 475, regulation 20(2)(b)(ii) of S.R. 1996 No. 289 and regulation 2(2) of S.R. 2003 No. 469
(**4**) Regulation 16 was substituted by regulation 2(12) of S.R. 1999 No. 167
(**5**) Regulation 19 was substituted by regulation 2(12) of S.R. 1999 No. 167

(6) In regulation 22(**6**) (date from which a superseding decision takes effect), omit paragraphs (15) to (18).

(7) In regulation 29(1)(**7**) (effective dates of new maintenance assessments), omit "or 9".

(8) In regulation 31(**8**) (cancellation of a maintenance assessment), omit "or (3)".

(9) Omit regulations 33 to 48.

(10) In Schedule 2 (no maintenance assessment in force: more than one application for a maintenance assessment by the same person under Article 7 or 9 or under Articles 7 and 9 of the Order)—

(a) in paragraph (1)—

(i) in the heading, omit "under Article 7 or 9 or under Articles 7 and 9 of the Order",

(ii) in sub-paragraph (1), omit "or 9", and

(iii) omit sub-paragraph (2);

(b) in paragraph 2(**9**) (no maintenance assessment in force: applications by different persons for a maintenance assessment)—

(i) in sub-paragraph (2), omit "or 9", and

(ii) omit sub-paragraph (5); and

(c) omit paragraph 4 (maintenance assessment in force: subsequent application for a maintenance assessment under Article 9 of the Order).

Amendment of the Child Support Departure Direction and Consequential Amendments Regulations

3. In regulation 46(2)(b) of the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(**10**) (special case — departure direction having effect from date earlier than effective date of current assessment), omit "or treated as made".

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

4.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**11**) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in the definition of "relevant person"(**12**), omit ", or has been treated as applied for under Article 9(3) of the Child Support Order".

(3) In regulation 3A(**13**) (revision of child support decisions)—

(a) in paragraph (3), for "13, 14 or 43" substitute "13 or 14"; and

(b) in paragraph (6), for "14, 19 or 43" substitute "14 or 19".

(4) In regulation 7B(**14**) (date from which a decision superseded under Article 19 of the Child Support Order takes effect)—

(**6**) Regulation 22 was substituted by regulation 2(12) of S.R. 1999 No. 167. Paragraph (17) was amended by Article 8(4) of S.R. 1999 No. 246 (C. 20)
(**7**) Regulation 29(1) was amended by regulation 4(5) of S.R. 1995 No. 19, regulation 8(10)(a) of S.R. 1995 No. 162 and regulation 3(18) of S.R. 1995 No. 475
(**8**) Regulation 31 was amended by regulation 2(15) of S.R. 1999 No. 167
(**9**) Paragraph 2 was amended by regulation 2(26)(a) of S.R. 1999 No. 167
(**10**) S.R. 1996 No. 541; regulation 46(2)(b) was amended by regulation 9(22) of S.R. 1998 No. 8
(**11**) S.R. 1999 No. 162
(**12**) The definition of "relevant person" was inserted by regulation 2(2)(e) of S.R. 2001 No. 23
(**13**) Regulation 3A was inserted by regulation 2(4) of S.R. 2001 No. 23. The relevant amending provision is regulation 6(2)(b) of S.R. 2002 No. 164
(**14**) Regulation 7B was inserted by regulation 2(8) of S.R. 2001 No. 23

(a) omit paragraphs (11) to (15); and

(b) in paragraph (20)(a), omit ", or treated as made under Article 9(3) of that Order,".

Amendment of the Child Support (Maintenance Calculation Procedure) Regulations

5.—(1) The Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001(**15**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (1), for "1(2), 3, 4 and 18" substitute "1(2) and 4"; and

(b) in paragraph (2), in the definition of—

(i) "notice of a maintenance application", omit ", or treated as made,", and

(ii) "relevant person", omit "or has been treated as applied for under Article 9(3) of the Order,".

(3) In regulation 5(1)(**16**) (notice of an application for a maintenance calculation), omit "or an application is treated as made under Article 9(3) of the Order, as the case may be," and ", or is treated as having made,".

(4) In regulation 6(1)(death of qualifying child), omit "or has been treated as made".

(5) Omit regulations 8 to 20.

(6) In regulation 24(**17**) (effective dates of maintenance calculations)—

(a) in paragraph (1), omit ", or treated as made under Article 9(3) of the Order, as the case may be,"; and

(b) omit paragraph (3)(b) and the word "or" immediately before it.

(7) Omit regulation 26(**18**) (effective dates of maintenance calculations — maintenance order and application under Article 9).

(8) In regulation 27(b)(**19**) (effective dates of maintenance calculations — maintenance order ceases), omit "or 26 as the case may be".

(9) In regulation 28(**20**) (effective dates of maintenance calculations in specified cases)—

(a) in paragraph (1), omit ", or treated as made under Article 9(3) of the Order";

(b) in paragraph (1)(a), (c) and (d), omit "except where the parent with care has made a request under Article 9(5) of the Order,";

(c) omit paragraph (2); and

(d) omit paragraph (3)(b) and the word "and" immediately before it.

(10) In regulation 30(**21**) (transitional provision — effective dates and reduced benefit decisions) —

(a) in the heading, omit "and reduced benefit decisions";

(b) in paragraph (1), omit "or is treated as made under Article 9(3) of the Order,";

(**15**) S.R. 2001 No. 17
(**16**) Regulation 5(1) was amended by regulation 8(2) of S.R. 2003 No. 84
(**17**) Regulation 24 was amended by regulation 8(4) of S.R. 2003 No. 84
(**18**) Regulation 26 was amended by regulation 7(5) of S.R. 2002 No. 164
(**19**) Regulation 27(b) was amended by regulation 7(6) of S.R. 2002 No. 164
(**20**) Regulation 28 was amended by regulation 7(7) of S.R. 2002 No. 164, regulation 8(5) of S.R. 2003 No. 84 and regulation 6(2) of S.R. 2004 No. 428
(**21**) Regulation 30 was amended by regulation 7(8) of S.R. 2002 No. 164, regulation 8(7) of S.R. 2003 No. 84 and regulation 6(3) of S.R. 2004 No. 428

(c) in paragraph (1B)(b), omit "or an application for a maintenance calculation is treated as made under the Order"; and

(d) omit paragraphs (3) to (7).

(11) In Schedule 2 (no maintenance calculation in force: more than one application for a maintenance calculation by the same person under Article 7 or 9 or under Articles 7 and 9 of the Order)—

(a) in paragraph 1—

(i) in the heading, omit "under Article 7 or 9 or under Articles 7 and 9 of the Order",

(ii) in sub-paragraph (1), omit "or 9", and

(iii) omit sub-paragraph (2);

(b) in paragraph 2 (no maintenance calculation in force: applications by different persons for a maintenance calculation)—

(i) in sub-paragraph (2), omit "or is treated as made under Article 9 of the Order,", and

(ii) omit sub-paragraph (4); and

(c) in paragraph 3 (maintenance calculation in force: subsequent application with respect to the same persons), omit "or treated as made, as the case may be,".

(12) In Schedule 3(**22**) (no maintenance assessment or calculation in force: more than one application for maintenance by the same person under Article 7 or 9 or under Articles 7 and 9 of the former Order and of the Order)—

(a) in paragraph 1—

(i) in the heading, omit "or 9 or under Articles 7 and 9",

(ii) in sub-paragraph (1), omit "or is treated as making, as the case may be," and "or 9", and

(iii) omit sub-paragraph (2);

(b) in paragraph 2 (no maintenance assessment or calculation in force: applications by different persons for maintenance)—

(i) in sub-paragraph (2), omit ", or is made under Article 9 of the former Order, or is treated as made under Article 9 of the Order,", and

(ii) omit sub-paragraph (4); and

(c) in paragraph 3 (maintenance assessment in force: subsequent application with respect to the same persons), in sub-paragraph (b) omit "or treated as made".

Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations

6.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**23**) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), in sub-paragraph (a)(ii) of the definition of "relevant week", omit ", or treated as made, as the case may be,".

(3) In regulation 8(1)(a)(**24**) (persons treated as non-resident parents), omit "or treated as made".

(4) In regulation 11(1)(a) (non-resident parent liable to pay maintenance under a maintenance order), omit "or treated as made, as the case may be,".

(**22**) Schedule 3 was added by regulation 8(8) of S.R. 2003 No. 84
(**23**) S.R. 2001 No. 18
(**24**) Regulation 8(1)(a) was amended by regulation 9(3) of S.R. 2003 No. 84