STATUTORY RULES OF NORTHERN IRELAND

2006 No. 273

FAMILY LAW

CHILD SUPPORT

The Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2006

Made - - - - 21st June 2006

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of powers conferred by Articles 16(1), 18(4), 29(2) and (3), 32, 34, 37A(3) and 48(4) of, and paragraph 11 of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(**1**) and now vested in it(**2**).

Citation and Commencement

1.—(1) These Regulations may be cited as the Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 2006 and, subject to paragraph (2), come into operation on 12th July 2006.

(2) Where, in relation to a particular case, paragraph 24 of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**3**) has not come into operation before 12th July 2006, regulation 3(3) shall come into operation for the purposes of that case on the day on which that paragraph comes into operation.

Amendment of the Child Support (Information, Evidence and Disclosure) Regulations

2.—(1) The Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(**4**) are amended as follows.

(**1**) S.I. 1991/2628 (N.I. 23); Article 16(1) is amended by section 12 of, and paragraph 16 of Schedule 3 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)); Article 18 was substituted by Article 40 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I.10)) and is amended by section 8 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; Article 29(2) and (3) is amended by section 1(2)(a) and (b) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; Article 37A was inserted by section 16(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 11 of Schedule 1 is amended by section 1(2)(a) and (b) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

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

(**3**) 2000 c. 4 (N.I.); *see* Article 3 of S.R. 2003 No. 53 (C. 4) for the commencement of paragraph 24 of Schedule 3 to that Act

(**4**) S.R. 1992 No. 339; relevant amending regulations are S.R. 2001 No. 16 and S.R. 2002 No. 164

(2) In regulation 2(2) (persons under a duty to furnish information or evidence) after sub-paragraph (h) add:—

"(i) a credit reference agency within the meaning given by section 145(8) of the Consumer Credit Act 1974(**5**) with respect to the matters listed in regulation 3(1)(d), (e), (m) and (n).".

(3) In regulation 3(1) (purposes for which information or evidence may be required) after sub-paragraph (l) add:—

"(m) an assessment of the financial standing of the non-resident parent;

(n) an amount of, or an amount treated as, overpaid child support maintenance, to be recovered in accordance with Article 38B of the Order(**6**) (repayment of overpaid child support maintenance) and regulations made under or by virtue of that Article, from a relevant person.".

Amendment of the Child Support (Collection and Enforcement) Regulations

3.—(1) The Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992(**7**) are amended as follows.

(2) In regulation 3(**8**) (method of payment):—

(a) after paragraph (1)(f) add:—

"(g) by credit card;

(h) by a voluntary deduction from earnings arrangement.";

(b) for paragraph (1A)(**9**) substitute:—

"(1A) In paragraph (1):—

(a) "debit card" means a card, operating as a substitute for a cheque that can be used to obtain cash or to make a payment at a point of sale whereby the card holder's bank or building society account is debited without deferment of payment;

(b) "credit card" means a card which is a credit-token within the meaning of section 14(1)(b) of the Consumer Credit Act 1974;

(c) "voluntary deduction from earnings arrangement" means an arrangement under which the liable person and his employer agree that payments of child support maintenance are to be deducted from the liable person's earnings and paid to the Department.".

(3) In regulation 11(2)(**10**) (protected earnings proportion) for the words from "as calculated" to the end substitute:—

"as calculated:—

(a) at the date of the current maintenance calculation; or

(b) if the deduction from earnings order relates only to arrears of child support maintenance, at the date on which the order is made or varied.".

(4) In regulation 27 (application for a liability order) for paragraph (2) substitute the following paragraphs:—

(**5**) 1974 c. 39
(**6**) Article 38B was inserted by Article 16 of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))
(**7**) S.R. 1992 No. 390
(**8**) Regulation 3 was amended by regulation 3(4) of S.R. 2001 No. 15
(**9**) Paragraph (1A) was inserted by regulation 3(4)(b) of S.R. 2001 No. 15
(**10**) Regulation 11(2) was amended by regulation 3(11) of S.R. 2001 No. 15

"(2) Subject to paragraph (3), there is no period of limitation in relation to an application under paragraph (1).

(3) An application under paragraph (1) may not be instituted in respect of an amount payment of which became due on or before 12th July 2000.".

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

4. In regulation 5A of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (**11**) (date from which a decision revised under Article 18 of the Child Support Order takes effect) omit paragraphs (2) and (3).

Amendment of the Child Support (Collection and Enforcement and Miscellaneous Amendments) Regulations

5.—(1) The Child Support (Collection and Enforcement and Miscellaneous Amendments) Regulations (Northern Ireland) 2001(**12**) are amended as follows.

(2) At the end of regulation 1(2)(**13**) (citation, commencement and interpretation) add "; and regulation 3(4)(a)(ii) shall, to the extent that that provision is not already in operation on 12th July 2006, come into operation on that date".

(3) In regulation 5(1)(**14**) (savings):—

(a) at the end of sub-paragraph (a) and head (i) insert "or";

(b) at the end of sub-paragraph (b) and head (ii) omit "or"; and

(c) omit sub-paragraph (c) and head (iii).

Amendment of the Child Support (Maintenance Calculation Procedure) Regulations

6. After regulation 28 of the Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001(**15**) (effective dates of maintenance calculations in specified cases) insert:—

"**Interim effective date where regulation 24, 27 or 28 applies**

28A.—(1) Where the Department has sufficient information to enable it to make a maintenance calculation, but only in respect of a period beginning after the date which would have been the effective date under regulation 24, 27 or 28 ("the original effective date"), the effective date of that calculation ("the interim effective date") shall, instead, be the first day of the maintenance period after the Department receives that information.

(2) Where the information referred to in paragraph (1) is that the non-resident parent or his partner has been awarded any benefit, pension or allowance prescribed for the purposes of paragraph 4 of Schedule 1 to the Act(**16**) (flat rate), the Department shall be treated as having received the information on the first day in respect of which that benefit, pension or allowance was payable under that award.

(3) If the Department subsequently receives sufficient information to enable it to make a maintenance calculation for the period from the original effective date to the interim effective date, that calculation shall have effect for that period.".

(**11**) Regulation 5A was inserted by regulation 2(6) of S.R. 2001 No. 23 and amended by regulation 2(a) and (b) of S.R. 2003 No. 45
(**12**) S.R. 2001 No. 15
(**13**) Regulation 1(2) was amended by regulation 2 of S.R. 2001 No. 197
(**14**) Regulation 5 was amended by regulation 2(5) of S.R. 2003 No. 91
(**15**) S.R. 2001 No. 17; 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
(**16**) Paragraph 4 of Schedule 1 was substituted by section 1(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 c. 4