STATUTORY RULES OF NORTHERN IRELAND

2003 No. 92 (C. 7)

FAMILY LAW
CHILD SUPPORT

The Child Support, Pensions and Social Security (2000 Act) (Commencement No. 10) Order (Northern Ireland) 2003

Made - - - - 24th February 2003

The Department for Social Development, in exercise of the powers conferred on it by section 68(2)(a) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**1**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 10) Order (Northern Ireland) 2003.

Amendment of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 9) Order

2. For Article 6 of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 9) Order (Northern Ireland) 2003(**2**) (appointed day for the coming into operation of section 22, and an associated repeal) there shall be substituted the following Article–

"**Appointed day for the coming into operation of section 22, and an associated repeal**

6.—(1) The day appointed for the coming into operation of the provisions of the Act specified in paragraph (2) for the purposes of cases specified in paragraph (3) is–

(a) as respects any case specified in paragraph (3)(a) where, before 3rd March 2003, relevant maintenance is paid or payable–

(i) where 3rd March 2003 is the day on which the maintenance calculation in relation to that case takes effect, 3rd March 2003,

(ii) where the maintenance calculation in relation to that case takes effect on a day later than 3rd March 2003, that later day;

(**1**) 2000 c. 4 (N.I.)
(**2**) S.R. 2003 No. 53 (C. 4)

(b) as respects any other case specified in paragraph (3)(a), 3rd March 2003;

(c) as respects any case which is specified in paragraph (3)(b)–

(i) where 3rd March 2003 is the case conversion date in relation to that case, 3rd March 2003,

(ii) where a day later than 3rd March 2003 is the case conversion date in relation to that case, that later day;

(d) as respects any case specified in paragraph (3)(c) which is referred to–

(i) in paragraph (a) of Article 4, the day on which the claim for the benefit mentioned in that paragraph is made,

(ii) in paragraph (b) of that Article, the day on which the Department is notified that the authorisation mentioned in sub-paragraph (iii) of that paragraph is withdrawn,

(iii) in paragraph (c) of that Article, 3rd March 2003;

(e) as respects any case which is specified in sub-paragraph (d) of paragraph (3), the day on which the maintenance referred to in that sub-paragraph is first paid.

(2) The provisions mentioned in paragraph (1) are–

(a) section 22 (abolition of the child maintenance bonus); and

(b) Part I of Schedule 9 in so far as it relates to the repeal of Article 4 of the Child Support (Northern Ireland) Order 1995(**3**) and section 67 in so far as it relates to that repeal.

(3) The cases mentioned in paragraph (1) are–

(a) cases referred to in sub-paragraph (a) of Article 3(1);

(b) cases referred to in sub-paragraph (b) or (c) of Article 3(1);

(c) cases referred to in paragraph (a), (b) or (c) of Article 4;

(d) cases to which sub-paragraphs (a) to (c) do not apply where, on or after 3rd March 2003, relevant maintenance is first paid.

(4) For the purposes of sub-paragraph (d) of paragraph (3), a case shall not be regarded as one to which that sub-paragraph does not apply by reason only of the fact that relevant maintenance was paid or payable before 3rd March 2003–

(a) in respect of the care of a different child;

(b) under an earlier agreement; or

(c) by virtue of an earlier order of the court.

(5) In this Article–

"case conversion date" means the date which is, by virtue of regulation 15 of the Child Support (Transitional Provisions) Regulations (Northern Ireland) 2001(**4**), the case conversion date in relation to that case;

"relevant maintenance" means maintenance, other than child support maintenance, which is paid or payable–

(a) to a person who has the care of the child in the United Kingdom;

(b) in respect of the care of the child; and

(**3**) S.I.1995/2702 (N.I. 13)
(**4**) S.R. 2001 No. 19; relevant amending regulations are S.R. 2002 No. 164 and S.R. 2003 No. 84

(c) under an agreement (whether enforceable or not) between that person and the person by whom the maintenance is payable, or by virtue of an order of the court.".

Sealed with the Official Seal of the Department for Social Development on 24th February 2003.

John O'Neill
Senior Officer of the
Department for Social Development