STATUTORY RULES OF NORTHERN IRELAND

2001 No. 24

FAMILY LAW
CHILD SUPPORT

The Child Support (Variations) (Modification of Statutory Provisions) Regulations (Northern Ireland) 2001

Made - - - -	*23rd January 2001*
Coming into operation	*31st January 2001*

The Department for Social Development, in exercise of the power conferred by Article 28G(2) of the Child Support (Northern Ireland) Order 1991(**1**) and now vested in it(**2**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Variations) (Modification of Statutory Provisions) Regulations (Northern Ireland) 2001 and shall come into operation on 31st January 2001.

(2) In these Regulations references to a numbered Article or Schedule is to the Article of, or Schedule to, the Child Support (Northern Ireland) Order 1991.

Modification of Articles 28A to 28F and Schedules 4A and 4B

2.—(1) Where an application for a variation is made under Article 28G, Articles 28A to 28F and Schedules 4A and 4B(**3**) shall apply subject to the modifications provided for in paragraphs (2) to (8).

(2) In Article 28A (application for variation of usual rules for calculating maintenance)—

(a) in paragraph (1) for "Where an application for a maintenance calculation is made under Article 7, or treated as made under Article 9" there shall be substituted "Where a maintenance calculation other than an interim maintenance decision is in force"; and

(b) paragraph (3) shall be omitted.

(**1**) S.I.1991/2628 (N.I.23); Article 28G was substituted by section 7 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

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

(**3**) Articles 28A to 28C and 28F were substituted by section 5 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and Schedules 4A and 4B were substituted by section 6 of, and Schedule 2 to, that Act. Articles 28D and 28E were inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)) and were amended by section 5(3) and (4) respectively of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(3) In Article 28B(2) (preliminary consideration of applications)—

(a) for "(and proceed to make its decision on the application for a maintenance calculation without any variation)" there shall be substituted "(and proceed to revise or supersede a decision under Article 18 or 19(**4**) respectively without taking the variation into account, or not revise or supersede a decision under Article 18 or 19)"; and

(b) sub-paragraph (*b*) shall be omitted.

(4) In Article 28C (imposition of regular payments condition)—

(a) in paragraph (1) sub-paragraph (*b*) and the word "also" shall be omitted;

(b) in paragraph (2)(*a*) for "interim maintenance decision" there shall be substituted "maintenance calculation in force";

(c) in paragraph (4) for sub-paragraph (*a*) there shall be substituted the following sub-paragraph—

"(a) when in response to the application for a variation the Department has revised or superseded a decision under Article 18 or 19 respectively (whether it agrees to a variation or not) or not revised or superseded a decision under Article 18 or 19;"; and

(d) in paragraph (5) for the words from "make" to the end there shall be substituted "revise or supersede a decision under Article 18 or 19 respectively, or not revise or supersede a decision under Article 18 or 19, as if the application had failed".

(5) In Article 28D(1)(*a*) (determination of applications) for "under Article 13 or 14(1)" there shall be substituted "under Article 18 or 19".

(6) In Article 28F (agreement to a variation)—

(a) for paragraph (3) there shall be substituted the following paragraph—

"(3) The Department shall not agree to a variation (and shall proceed to revise or supersede a decision under Article 18 or 19 respectively without taking the variation into account, or not revise or supersede a decision under Article 18 or 19) if it is satisfied that prescribed circumstances apply.";

(b) in paragraph (4)—

(i) in sub-paragraph (*a*) the words after "application" where it first appears shall be omitted;

(ii) for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(b) revise or supersede a decision under Article 18 or 19 respectively on that basis.", and

(c) paragraph (5) shall be omitted.

(7) In Schedule 4A (applications for a variation) in paragraph 5(1) "application for a" shall be omitted.

(8) In Schedule 4B (applications for a variation: the cases and controls)—

(a) in paragraph 2(3)—

(i) in heads (*a*), (*d*) and (*e*) for "the application for a maintenance calculation has been made (or treated as made)" there shall be substituted "there is a maintenance calculation in force";

(ii) in head (*c*) for "has been applied for (or treated as having been applied for)" there shall be substituted "is in force";

(**4**) Articles 18 and 19 were substituted by Articles 40 and 41 respectively of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))