STATUTORY RULES OF NORTHERN IRELAND

2001 No. 21

FAMILY LAW
CHILD SUPPORT

The Child Support (Voluntary Payments) Regulations (Northern Ireland) 2001

Made - - - - 23rd January 2001
Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by Articles 28J(5) and 48(4) 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 (Voluntary Payments) Regulations (Northern Ireland) 2001 and shall come into operation on the day on which Article 28J of the Order comes into operation.

(2) In these Regulations—

"the Order" means the Child Support (Northern Ireland) Order 1991;

"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;

"the Maintenance Calculations and Special Cases Regulations" means the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**3**);

"the qualifying child's home" means the home in which the qualifying child resides with the person with care and "home" has the meaning given in regulation 1(2) of the Maintenance Calculations and Special Cases Regulations; and

"relevant person" means—

(a) a person with care;

(**1**) S.I.1991/2628 (N.I. 23); Article 28J was inserted by section 19 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**) S.R. 2001 No. 18

(b) a non-resident parent;

(c) a parent who is treated as a non-resident parent under regulation 8 of the Maintenance Calculations and Special Cases Regulations,

in respect of whom a maintenance calculation has been applied for, or has been treated as applied for, under Article 9(3) of the Order(**4**), or is or has been in force.

Voluntary payment

2.—(1) A payment counts as a voluntary payment if it is—

(a) made in accordance with Article 28J(2) and (4) of the Order;

(b) of a type to which regulation 3 applies;

(c) made on or after the effective date of the maintenance calculation made, or which would be made but for the Department's decision not to make one, and for this purpose "effective date" means the effective date as determined in accordance with the Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001(**5**);

(d) a payment in relation to which evidence or verification of a type to which regulation 4 applies is provided, if the Department so requires.

(2) Where the Department is considering whether a payment is a voluntary payment, it may invite representations from a relevant person.

Types of payment

3. This regulation applies to a payment made by the non-resident parent—

(a) by any of the following methods—

(i) in cash;

(ii) by standing order;

(iii) by any other method which requires one person to give his authority for payments to be made from an account of his to an account of another's on specific dates during the period for which the authority is in force and without the need for any further authority from him;

(iv) by an arrangement whereby one person gives his authority for payments to be made from an account of his, or on his behalf, to another person or to an account of that other person;

(v) by cheque or postal order, or

(vi) by debit card, and

(b) which is, or is in respect of—

(i) a payment in lieu of child support maintenance and which is paid to the person with care;

(ii) a mortgage or loan taken out on the security of the property which is the qualifying child's home where that mortgage or loan was taken out to facilitate the purchase of, or to pay for essential repairs or improvements to, that property;

(iii) rent on the property which is the qualifying child's home;

(iv) mains-supplied gas or electricity charges at the qualifying child's home;

(**4**) Article 9 was substituted by section 3 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000
(**5**) S.R. 2001 No. 17