STATUTORY RULES OF NORTHERN IRELAND

2001 No. 16

FAMILY LAW
CHILD SUPPORT

The Child Support (Information, Evidence and Disclosure and Maintenance Arrangements and Jurisdiction) (Amendment) Regulations (Northern Ireland) 2001

Made - - - - 23rd January 2001
Approved by resolution of the Assembly on - - - - 29th May 2001
Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by Articles 7(4), 9(7), 12(1), (2) and (4), 16(1), (1A) and (3), 41(2A), 47, 48(4) and 50 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 (Information, Evidence and Disclosure and Maintenance Arrangements and Jurisdiction) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation as follows—

(a) regulations 2(5)(*c*) and (*d*), (7) and (8) and 3(8) and, for the purposes of those provisions, this regulation, shall come into operation on 31st January 2001; and

(b) the remainder of these Regulations shall come into operation in relation to a particular case on the day on which paragraphs 12 and 27 of Schedule 3 to the Act, which respectively amend Articles 2(2) and 47 of the Order comes into operation for the purposes of that type of case.

(**1**) S.I. 1991/2628 (N.I. 23); Article 7(4) was amended by paragraph 7 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and Article 9 was substituted by section 3 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (C. 4 (N.I.)). Article 12(4) was amended by paragraph 10(1) of Schedule 6 to the Social Security (Northern Ireland) Order 1998 and Article 16 was amended by paragraph 3 of Schedule 3 to the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)) and paragraph 14 of Schedule 6 and Schedule 7 to the Social Security (Northern Ireland) Order 1998. Article 41(2A) was inserted by section 21(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

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

(2) In these Regulations—

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

"the Act" means the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**3**).

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

2.—(1) The Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(**4**) shall be amended in accordance with paragraphs (2) to (11).

(2) For "absent parent" wherever it appears there shall be substituted "non-resident parent" preceded, where appropriate by "a" instead of "an".

(3) Subject to paragraphs (4)(*b*)(ii), (5)(*a*) and (*b*) and (6)(*b*)(i), for "assessment" wherever it appears there shall be substituted "calculation".

(4) In regulation 1(2) (interpretation)—

(a) for the definitions of "Maintenance Assessments and Special Cases Regulations" and "Maintenance Assessment Procedure Regulations" there shall be substituted the following definitions—

> ""Maintenance Calculation Procedure Regulations" means the Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001(**5**);
>
> "Maintenance Calculations and Special Cases Regulations" means the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**6**)

(b) in the definition of "relevant person"—

(i) in paragraph (*c*) for "regulation 20 of the Maintenance Assessments and Special Cases Regulations" there shall be substituted "regulation 8 of the Maintenance Calculations and Special Cases Regulations", and

(ii) for the words from "a maintenance assessment" to the end there shall be substituted "a maintenance calculation has been applied for, or has been treated as applied for under Article 9(3) of the Order(**7**), or is or has been in force.".

(5) In regulation 2(2) (persons under a duty to furnish information or evidence)—

(a) in sub-paragraph (*b*)(**8**) for "assessment has been made" in the first place where it appears there shall be substituted "calculation has been made, or has been treated as made";

(b) in sub-paragraphs (*c*) and (*cc*)(**9**) "or the parent with care" shall be omitted and for "assessment has been made" in the first place where it appears there shall be substituted "calculation has been made, or has been treated as made";

(c) in sub-paragraph (*d*) at the beginning there shall be inserted "the appropriate authority or" and for the words "the matter" to the end there shall be substituted "the matters listed in sub-paragraphs (*a*), (*d*), (*e*), (*f*) and (*h*) of regulation 3(1)"; and

(d) after sub-paragraph (*e*) there shall be added the following sub-paragraphs—

(**3**) 2000 c. 4 (N.I.)
(**4**) S.R. 1992 No. 339; relevant amending rules are S.R.1995 Nos.162 and 475, S.R. 1996 Nos. 317 and 541, S.R. 1998 No. 8 and S.R. 1999 Nos. 152 and 246 (C. 20)
(**5**) S.R. 2001 No. 17
(**6**) S.R. 2001 No. 18
(**7**) Article 9 is substituted by section 3 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000
(**8**) Sub-paragraph (*b*) was amended by regulation 2(2)(*b*) of S.R. 1995 No. 475 and Article 7(2)(*b*) of S.R. 1999 No. 246 (C. 20)
(**9**) Sub-paragraph (*c*) was amended by regulation 2(2)(*b*) of S.R. 1995 No. 475 and Article 7(2)(*b*) of S.R. 1999 No. 246 (C. 20) and sub-paragraph (*cc*) was inserted by regulation 6(2) of S.R. 1995 No. 162 and amended by regulation 2(2)(*b*) of S.R. 1995 No. 475 and Article 7(2)(*b*) of S.R. 1999 No. 246 (C. 20)

"(f) a person who acts or has acted as an accountant for the absent parent, including where that person is self-employed, in relation to any business accounts of that parent with respect to the matters listed in sub-paragraphs (*e*), (*f*) and (*h*) of regulation 3(1);

(g) a company or partnership for whom the absent parent is providing or has provided services under a contract for services with respect to the matters listed in sub-paragraphs (*e*) and (*f*) of regulation 3(1);

(h) persons employed in the service of the Crown or otherwise in the discharge of Crown functions—

(i) under Articles 13 to 15 of the Road Traffic (Northern Ireland) Order 1981(**10**) or Part II of the Vehicle Excise and Registration Act 1994(**11**) with respect to the matter listed in sub-paragraph (*e*) of regulation 3(1), or

(ii) under the Prison Act (Northern Ireland) 1953(**12**) with respect to the matter listed in sub-paragraph (*e*) of regulation 3(1).".

(6) In regulation 3 (purposes for which information or evidence may be required)—

(a) in paragraph (1)—

(i) in sub-paragraph (*aa*)(**13**) after "maintenance order" there shall be inserted "made on or after the date prescribed for the purposes of Article 7(10)(*a*) of the Order(**14**) which has been in force for at least a year from the date it was made";

(ii) in sub-paragraph (*f*) for "assessed" there shall be substituted "calculated", and

(iii) after sub-paragraph (*k*) there shall be added the following sub-paragraph—

"(l) a determination as to who is in receipt of child benefit, payable under Part IX of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**15**) either for a child who may be a relevant other child for the purposes of Schedule 1 to the Order(**16**), or for the qualifying child where a parent may fall to be treated as a non-resident parent under the Maintenance Calculations and Special Cases Regulations.";

(b) in paragraph (2)—

(i) in sub-paragraphs (*a*), (*b*) and (*e*) for the words from "an application" to "made" there shall be substituted "the maintenance calculation has been applied for, or has been treated as applied for";

(ii) in sub-paragraph (*g*) "or a parent with care," shall be omitted;

(iii) in sub-paragraph (*h*)(**17**) "or parent with care" shall be omitted;

(iv) in sub-paragraph (*i*) "and a parent with care" shall be omitted;

(v) sub-paragraphs (*j*), (*m*), (*n*), (*o*), (*p*) and (*s*)(**18**) shall be omitted;

(**10**) S.I. 1981/154 (N.I. 1)
(**11**) 1994 c. 22; Part II was amended by the Finance Act 1995 (c. 4), the Finance Act 1996 (c. 8), the Finance Act 1997 (c. 16), the Finance (No. 2) Act 1997 (c. 58) and the Finance Act 1998 (c. 36)
(**12**) 1953 c. 18
(**13**) Sub-paragraph (*aa*) was inserted by regulation 2(3) of S.R. 1996 No. 317
(**14**) Paragraph 10 was inserted by Article 12(1) of the Child Support (Northern Ireland) Order 1995 and is amended by section 2 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000
(**15**) 1992 c. 7; Part IX was amended by paragraph 185 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) and section 63 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000
(**16**) Part I of Schedule 1 was substituted by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000
(**17**) Sub-paragraph (*h*) was amended by regulation 2(2) of S.R. 1999 No. 152
(**18**) Sub-paragraph (*p*) was amended by regulation 2(2) of S.R. 1998 No. 8 and sub-paragraph (*s*) was added by regulation 6(3) of S.R. 1995 No. 162

(vi) in sub-paragraph (*l*) "or living in the same household as the parent with care" and "or the parent with care, as the case may be," shall be omitted;

(vii) in sub-paragraph (*q*) "or the person with care" shall be omitted;

(viii) in sub-paragraph (*r*)(i) "or should be cancelled" shall be omitted.

(7) In regulation 3A(**19**) (contents of request for information or evidence) at the end there shall be inserted "including details of the offences provided for in Article 16A of the Order(**20**) for failing to provide, or providing false, information.".

(8) Regulation 4 (information from an appropriate authority in connection with housing benefit) shall be omitted.

(9) In regulation 5(1)(**21**) (time within which information or evidence is to be furnished) for "regulations 2(5) and 6(1) of the Maintenance Assessment Procedure Regulations" there shall be substituted "regulation 3(4) of the Maintenance Calculation Procedure Regulations".

(10) In regulation 6(**22**) (continuing duty of persons with care) the words "or should be cancelled" in both places where they appear shall be omitted.

(11) In regulation 9A(**23**) (disclosure of information to other persons)—

(a) in paragraph (1)—

(i) in sub-paragraph (*a*)(**24**) for the words from "why" to "Order", in the first place where it appears, there shall be substituted "why it has decided not to make a maintenance calculation in response to an application made under Article 7 of the Order(**25**) or treated as made under Article 9 of the Order";

(ii) in sub-paragraph (*c*)(**26**) "or has been cancelled" shall be omitted;

(iii) in sub-paragraph (*d*) for "regulation 10 of the Maintenance Assessment Procedure Regulations" there shall be substituted "regulation 23 of the Maintenance Calculation Procedure Regulations";

(b) in paragraph (2)(*c*)(ii)(**27**) for "departure direction" there shall be substituted "variation".

Amendment of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations

3.—(1) The Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992(**28**) shall be amended in accordance with paragraphs (2) to (9).

(2) For "absent parent" wherever it appears there shall be substituted "non-resident parent", preceded where appropriate by "a" instead of "an".

(3) For "assessment" wherever it appears there shall be substituted "calculation".

(**19**) Regulation 3A was inserted by regulation 2(4) of S.R. 1995 No. 475 and substituted by Article 7(4) of S.R. 1999 No. 246 (C. 20)
(**20**) Article 16A was inserted by section 13 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000
(**21**) Regulation 5 was substituted by regulation 2(5) of S.R. 1995 No. 475 and amended by Article 7(5) of S.R. 1999 No. 246 (C. 20)
(**22**) Regulation 6 was amended by Article 7(6) of S.R. 1999 No. 246 (C. 20)
(**23**) Regulation 9A was inserted by regulation 6(4) of S.R. 1995 No. 162
(**24**) Sub-paragraph (*a*) was amended by Article 7(8)(*b*)(ii) of S.R. 1999 No. 246 (C. 20)
(**25**) Article 7 was amended by Article 12(1) of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)), paragraph 7 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 and section 2 of, and paragraph 13 of Schedule 3 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000
(**26**) Sub-paragraph (*c*) was amended by regulation 2(6)(*a*) of S.R. 1995 No. 475
(**27**) Sub-paragraph (*c*) was substituted by regulation 49(3) of S.R. 1996 No. 541 and amended by regulation 2(4) of S.R. 1998 No. 8 and Article 7(8)(*c*) of S.R. 1999 No. 246 (C. 20))
(**28**) S.R. 1992 No. 466; relevant amending rules are S.R. 1993 No. 164, S.R. 1995 Nos. 19, 162 and 475 and S.R. 1999 No. 246 (C. 20)