STATUTORY RULES OF NORTHERN IRELAND

2001 No. 12

FAMILY LAW

CHILD SUPPORT

The Child Support (Temporary Compensation Payment Scheme) Regulations (Northern Ireland) 2001

Made - - - -	*18th January 2001*
Coming into operation	*19th February 2001*

The Department for Social Development, in exercise of the powers conferred by section 26(1) to (4) 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 Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Temporary Compensation Payment Scheme) Regulations (Northern Ireland) 2001 and shall come into operation on 19th February 2001.

(2) In these Regulations—

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

"the Child Support Order" means the Child Support (Northern Ireland) Order 1991(**2**) before its amendment by the Act; and

"the Social Security Order" means the Social Security (Northern Ireland) Order 1998(**3**).

Application of the Regulations

2.—(1) For the purposes of section 26(2) of the Act, section 26 shall have effect as if it were modified so as to apply to cases of arrears of child support maintenance which have become due under a fresh maintenance assessment made in the following circumstances—

(a) where the Department has given a departure direction under Article 28F of the Child Support Order(**4**) and—

(i) the revised amount is higher than the current amount, and

(**1**) 2000 c. 4 (N.I.)
(**2**) S.I.1991/2628 (N.I. 23)
(**3**) S.I. 1998/1506 (N.I. 10)
(**4**) Article 28F was inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))

(ii) the effective date of the fresh maintenance assessment is a date before 1st June 1999, or

(b) following a review under Article 20 of the Child Support Order(**5**) (reviews of decisions of child support officers) or a review under Article 21 of that Order(**6**) (reviews at instigation of child support officers) (as those provisions had effect before their substitution by Article 41 of the Social Security Order),

and the effective date of the assessment is earlier than the date on which the assessment was made; or

(c) following an appeal to a child support appeal tribunal under Article 22 of the Child Support Order(**7**) (as it had effect before its substitution by Article 42 of the Social Security Order) against a decision of a child support officer.

(2) In this Regulation—

"current amount" means the amount of child support maintenance fixed by the current assessment; and

"revised amount" means the amount of child support maintenance fixed by the fresh maintenance assessment as a result of the departure direction given by the Department.

Prescribed date

3. For the purposes of section 26(1)(*a*) of the Act, the prescribed date is 1st April 2002.

Prescribed circumstances

4.—(1) In relation to cases of arrears which have become due under a maintenance assessment falling within section 26(1)(*a*) of the Act or a fresh maintenance assessment falling within section 26(1)(*b*) of the Act or regulation 2(1), the prescribed circumstances for the purposes of section 26(3) of the Act are that—

(a) more than 6 months of arrears of child support maintenance have become due under the maintenance assessment;

(b) at least 3 months of those arrears are due to unreasonable delay due to an act or omission by the Department or a child support officer as the case may be;

(c) the Department is authorised under Article 29(1) of the Child Support Order to arrange for the collection of child support maintenance payable in accordance with the maintenance assessment;

(d) the Department is satisfied that the absent parent is, at the time the agreement is made, making such payments as are required of him in accordance with regulations made under Article 29(3)(*b*) or (*c*) of the Child Support Order;

(e) where the absent parent is liable to make child support maintenance payments under a different maintenance assessment, there are no existing arrears in relation to any of them at the time the agreement is made, except for those arrears that the Department is satisfied have arisen through no fault of the absent parent; and

(f) in relation to cases under section 26(1)(*b*) of the Act or regulation 2(1), the absent parent has paid any arrears which he has been required to pay in relation to the maintenance assessment, or has done so except in relation to—

(**5**) Article 20 was amended by Articles 7 and 8 of, and paragraph 4 of Schedule 3 to, the Child Support (Northern Ireland) Order 1995

(**6**) Article 21 was substituted by Article 9 of the Child Support (Northern Ireland) Order 1995

(**7**) Article 22 was amended by paragraph 5 of Schedule 3 to the Child Support (Northern Ireland) Order 1995