STATUTORY RULES OF NORTHERN IRELAND

1998 No. 400

FAMILY LAW
CHILD SUPPORT

The Child Support (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1998

Made - - - -	*18th November 1998*
Coming into operation	*7th December 1998*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 18, 23, 47 and 48(4) of the Child Support (Northern Ireland) Order 1991(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Child Support (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1998 and shall come into operation on 7th December 1998.

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations

2.—(1) The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(**2**) shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 8B(**3**) (review of an interim maintenance assessment)–

(a) in paragraph (1) after "child support officer" there shall be inserted "in respect of a maintenance assessment the effective date of which is on or before 8th December 1996";

(b) in paragraph (4) for "Article 18 or" there shall be substituted "Article 18 of the Order of a maintenance assessment the effective date of which is on or before 8th December 1996 or a review under Article".

(3) In regulation 9(**4**) (cancellation of an interim maintenance assessment), in paragraphs (1)(*c*), (15) and (16) for "Article 18," there shall be substituted "Article 18 of the Order of a maintenance assessment the effective date of which is on or before 8th December 1996 or a review under Article".

(**1**) S.I. 1991/2628 (N.I. 23); Article 18 was substituted by Article 40 of, and Article 47 was amended by paragraph 31 of Schedule 6 to, the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
(**2**) S.R. 1992 No. 340; relevant amending regulations are S.R. 1994 No. 37, S.R. 1995 Nos. 19, 162 and 475 and S.R. 1996 Nos. 317 and 541
(**3**) Regulation 8B was inserted by regulation 3(3) of S.R. 1995 No. 475
(**4**) Regulation 9 was substituted by, and regulation 9A was inserted by, regulation 3(4) of S.R. 1995 No. 475

(4) In regulation 9A(5) (application for cancellation of an interim maintenance assessment) for "Article 18 and" there shall be substituted "Article".

(5) In regulation 10 (notification of a new or a fresh maintenance assessment)–

(a) in paragraph (1)(*a*)(**5**) for "Article 18," there shall be substituted "Article 18 of the Order of a maintenance assessment the effective date of which is on or before 8th December 1996 or a review under Article";

(b) after paragraph (1) there shall be inserted the following paragraphs–

"(1A) Where the Department makes a fresh maintenance assessment on a revision under Article 18 of the Order, it shall immediately notify the relevant persons, so far as that is reasonably practicable, of the amount of the child support maintenance under that assessment.

(1B) Where a fresh Category A, Category C or Category D interim maintenance assessment is made, on a revision under Article 18 of the Order, a notification under paragraph (1A) shall set out, in relation to that interim maintenance assessment, the maintenance requirement and the effective date and shall include information as to Articles 18 to 21(1) of the Order.

(1C) Where a fresh maintenance assessment is made on a revision under Article 18 of the Order, a notification under paragraph (1A) shall include information as to Articles 18, 19 and 20 of the Order.";

(c) in paragraph (2A)(**6**) for "Article 18 or" there shall be substituted "Article 18 of the Order of a maintenance assessment the effective date of which is on or before 8th December 1996 or a review under Article";

(d) in paragraph (4)(**7**)–

(i) in sub-paragraph (*a*) for ", Articles 18, 19 and 20 of the Order" there shall be substituted "of a maintenance assessment the effective date of which is on or before 8th December 1996, Articles 19 and 20 of the order";

(ii) in sub-paragraph (*b*) for "Articles 18 and" there shall be substituted "Article";

(iii) in sub-paragraphs (*d*) and (*e*)(**8**) "18," shall be omitted;

(e) in paragraph (5)(**9**) for "Article 18 or 21(1) of the Order" there shall be substituted "Article 18 of the Order of a maintenance assessment the effective date of which is on or before 8th December 1996 or under Article 21(1) of the Order", and for"Articles 18 and" there shall be substituted "Article";

(f) in paragraph (6)(**10**) for "Article 18 and" there shall be substituted "Article".

(6) In regulation 11 (notification of a refusal to conduct a review) after paragraph (2)(**11**) there shall be added the following paragraph–

"(2A) Where the Department refuses an application for a revision of a decision under Article 18 of the Order, it shall immediately notify the applicant, so far as that is reasonably practicable, and shall give the reasons for its refusal in writing.".

(7) In regulation 16 (intervals between periodical reviews and notice of a periodical review) after paragraph (7) there shall be added the following paragraph–

(**5**) Paragraph (1)(*a*) was substituted by regulation 50(*a*) of S.R. 1996 No. 541
(**6**) Paragraph (2A) was inserted by regulation 4(4) of S.R. 1995 No. 19 was amended by regulation 8(4) of S.R. 1995 No. 162
(**7**) Paragraph (4) was amended by regulation 4(4)(*c*) of S.R. 1995 No. 19
(**8**) Paragraph (4)(*d*) was inserted by regulation 4 of S.R. 1994 No. 37 and paragraph (4)(*e*) was inserted by regulation 50(*e*) of S.R. 1996 No. 541
(**9**) Paragraph (5) was added by regulation 4(4) of S.R. 1995 No. 19 and amended by regulation 8(4) of S.R. 1995 No. 162
(**10**) Paragraph (6) was inserted by regulation 50(*f*) of S.R. 1996 No. 541
(**11**) Paragraph (2) was substituted by regulation 8(5) of S.R. 1995 No. 162

"(8) Nothing in this Part requires a review of a maintenance assessment which has not been in force for 104 weeks before 7th December 1998.".

(8) After Part V (periodical reviews) there shall be inserted the following Part–

"Part VA

Revision of decisions

Circumstances in which decisions may be revised

17A.—(1) An application may be made for a revision of, or the Department may decide on its own initiative to revise, a decision described in paragraph (2) and referred to in this Part as a "relevant decision".

(2) A decision for the purposes of paragraph (1) is a maintenance assessment made under Article 13 (maintenance assessments) or 14 (interim maintenance assessments) of the Order(**12**) in respect of which–

(a) an application for a review has been made under Article 20 (reviews of decisions of child support officers) of the Order(**13**); and

(b) an appeal to a child support appeal tribunal has been made under Article 22 (appeals) of the Order(**14**) either on a review under Article 20 of the Order or in respect of a refusal of such a review.

Procedure

17B.—(1) Where notice of an appeal referred to in regulation 17A(2)(*b*) has been received by the Department in accordance with regulations made under Article 23 (child support appeal tribunals) of the Order it shall acknowledge receipt in writing and notify the other relevant persons in writing of the receipt and such acknowledgement or notification shall include information as to the ability for the decision to be revised under Article 18 of the Order, including any time limits for such a revision.

(2) An application under Article 18(1)(*b*) of the Order for revision of a relevant decision may be made by any party to the appeal referred to in regulation 17A(2)(*b*) and shall be made in writing to the Department within the period of 28 days beginning with the date of receipt of the acknowledgement or notification, as the case may be, referred to in paragraph (1).

(3) Where an application is received by the Department under paragraph (2), or where it is on its own initiative considering whether to revise a relevant decision, the Department shall consider whether in its opinion the relevant decision as made in ignorance of a fact or based on a mistake as to a fact or was wrong in law.

(4) The Department shall give 14 days' notice of its intention to revise the decision to the relevant persons and invite representations, either in person or in writing, from the relevant persons on any matter relating to the relevant decision within 14 days of the date on which the notice of the intention to revise was given.

(5) Subject to paragraph (6), where the Department–

(**12**) Articles 13 and 14 were amended by the Child Support (Northern Ireland) Order 1995 (S.I. 1995 No. 2702 (N.I. 13))
(**13**) Article 20 was amended by Articles 7 and 8 of, and paragraph 4 of Schedule 3 to, the Child Support (Northern Ireland) Order 1995
(**14**) Article 22 was amended by Schedule 3 to the Child Support (Northern Ireland) Order 1995 and paragraph 9 of Schedule 5 to the Social Security (Northern Ireland) Order 1998