1995 No. 475

FAMILY LAW

CHILD SUPPORT

The Child Support (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1995

Made . . . . . 18th December 1995

Coming into operation in accordance with regulation 1(1)

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 14(2) and (3), 16(1), (1A) and (3), 18, 19(4) and (6), 20(8) and (11), 32(1) and (2), 38(2), 38B(3) and (6), 39, 43(5) and (11), 47, 48 and 49(2) and (3) of, and paragraphs 5(1) and (2), 6(2), 8 and 11 of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(**a**), Article 12(6) of the Child Support (Northern Ireland) Order 1995(**b**) 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 (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1995 and shall come into operation as follows—

(*a*) this regulation, regulation 3(9) only in so far as it inserts regulation 15B into the Maintenance Assessment Procedure Regulations and regulations 4(10) and 11 on 18th December 1995; and

(*b*) all other regulations on 22nd January 1996.

(2) In these Regulations "the Maintenance Assessment Procedure Regulations" means the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(**c**).

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

2.—(1) The Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(**d**) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 2 (duty to furnish information)—

(**a**) S.I. 1991/2628 (N.I. 23); Article 16(1A) was inserted by, and Article 43(5) amended by, paragraphs 3(1) and 10 respectively of Schedule 3 to the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)) and Article 38B was inserted by Article 16 of that Order

(**b**) S.I. 1995/2702 (N.I. 13)

(**c**) S.R. 1992 No. 340; relevant amending regulations are S.R. 1993 No. 164, S.R. 1994 No. 37 and S.R. 1995 Nos. 19 and 162

(**d**) S.R. 1992 No. 339; relevant amending regulations are S.R. 1994 No. 65 and S.R. 1995 Nos. 19 and 162

(*a*) in paragraph (1)—

(i) after "maintenance assessment" there shall be inserted "or for a review of a maintenance assessment";

(ii) after "Order," there shall be inserted "or a child support officer is conducting or proposing to conduct a review under Article 21 of the Order,", and

(iii) after "Department" there shall be inserted "or a child support officer";

(*b*) in paragraph (2)—

(i) in sub-paragraph (*b*) for "assessment has been made who" there shall be substituted "assessment has been made, or in relation to whom a maintenance assessment has been made in respect of which a child support officer is conducting or proposing to conduct a review and that person";

(ii) in sub-paragraphs (*c*) and (*cc*)(**a**) after "application for a maintenance assessment has been made" there shall be inserted "or in relation to whom a maintenance assessment has been made and a child support officer is conducting or proposing to conduct a review of that assessment".

(3) In regulation 3(1) (purposes for which evidence required) after "The Department" there shall be inserted "or a child support officer".

(4) After regulation 3 there shall be inserted the following regulation—

"*Contents of request for information or evidence*

3A. Any request by the Department or a child support officer in accordance with regulations 2 and 3 for the provision of information or evidence in connection with a review or proposed review under Article 18, 19, 20 or 21 of the Order shall set out the possible consequences of failure to provide such information or evidence.".

(5) For regulation 5 (time for furnishing information) there shall be substituted the following regulation—

"*Time within which information or evidence is to be furnished*

5.—(1) Subject to paragraph (2) and the provisions of regulations 2(5), 6(1) and 16(5) of the Maintenance Assessment Procedure Regulations, information or evidence furnished in accordance with regulations 2 and 3 shall be furnished as soon as is reasonably practicable in the particular circumstances of the case.

(2) Where an application for a review has been made under Article 19 or 20 of the Order, or a child support officer is proposing to conduct or is conducting a review under Article 21 of the Order, and the Department or a child support officer has after 22nd January 1996 requested any person to provide information or evidence in accordance with the provisions of regulations 2 and 3 in connection with that review or proposed review, that person shall furnish such information or evidence within 14 days of that request being made.".

(**a**) Sub-paragraph (*cc*) was inserted by regulation 6(2) of S.R. 1995 No. 162

(6) In regulation 9A(1)(**a**) (disclosure of information to other persons)—

(*a*) at the end of sub-paragraph (*c*) "or" shall be omitted;

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

"(*e*) why a decision has been made not to arrange for, or to cease, collection of any child support maintenance under Article 29 of the Order;

(*f*) why a particular method of enforcement, under Article 31, 33, 35 or 37 of the Order of an amount due under a maintenance assessment has been adopted in a particular case; or

(*g*) why a decision has been made not to enforce, or to cease to enforce, under Article 31 or 33 of the Order the amount due under a maintenance assessment.".

(7) For regulation 10 (disclosure of information to the Department) there shall be substituted the following regulations—

"*Disclosure of information by the Department*

10.—(1) The Department may disclose to a child support officer, in the circumstances set out in paragraph (2), information held by it for the purposes of the Order which has been provided by or in relation to a person in connection with an application for a maintenance assessment or in connection with an assessment which is or has been in force.

(2) The information referred to in paragraph (1) may be disclosed for use in connection with any other application for a maintenance assessment or in connection with a review of a maintenance assessment which is or has been in force, in respect of which the person referred to in paragraph (1) is the absent parent, alleged absent parent or person with care.

Disclosure of information by a child support officer

10A.—(1) A child support officer may disclose to another child support officer or to the Department, in the circumstances set out in paragraph (2), information held by him for the purposes of the Order which has been provided by or in relation to a person in connection with an application for a maintenance assessment, in connection with a review of a maintenance assessment, or otherwise in connection with an assessment which is or has been in force.

(2) The information referred to in paragraph (1) may be disclosed for use in connection with any other application for a maintenance assessment, or in connection with any other review of a maintenance assessment, which is or has been in force, in respect of which the person referred to in paragraph (1) is the absent parent, alleged absent parent or person with care.".

(**a**) Regulation 9A was inserted by regulation 6(4) of S.R. 1995 No. 162

Amendment of the Maintenance Assessment Procedure Regulations

3.—(1) The Maintenance Assessment Procedure Regulations shall be amended in accordance with paragraphs (2) to (25).

(2) In regulation 1(3) (interpretation)—

(*a*) after "a direction is "suspended" if" the word "either" shall be omitted;

(*b*) at the end of sub-paragraph (*a*) of the definition of "suspended" "or" shall be omitted;

(*c*) at the end of sub-paragraph (*b*) of that definition there shall be added "or" and the following sub-paragraph—

"(*c*) at the time that the direction is given one or more of the deductions set out in regulation 39A is being made from the income support payable to or in respect of the parent concerned,".

(3) For regulation 8 (amount and duration of an interim maintenance assessment) there shall be substituted the following regulations—

"*Categories of interim maintenance assessment*

8.—(1) Where a child support officer serves notice under Article 14(4) of the Order of his intention to make an interim maintenance assessment, he shall not make that interim assessment before the end of a period of 14 days, commencing with the date that notice was given or sent.

(2) There shall be four categories of interim maintenance assessment, Category A, Category B, Category C and Category D interim maintenance assessments.

(3) An interim maintenance assessment made by a child support officer shall be—

(*a*) a Category A interim maintenance assessment, where any information, other than information referred to in sub-paragraph (*b*), that is required by him to enable him to make an assessment in accordance with the provisions of Part I of Schedule 1 to the Order has not been provided by that absent parent, and that parent has that information in his possession or can reasonably be expected to acquire it;

(*b*) a Category B interim maintenance assessment, where the information that is required by him as to the income of the partner or other member of the family of the absent parent or parent with care for the purposes of the calculation of the income of that partner or other member of the family under regulation 9(2), 10, 11(2) or 12(1) of the Maintenance Assessments and Special Cases Regulations—

(i) has not been provided by that partner or other member of the family, and that partner or other member of the family has that information in his possession or can reasonably be expected to acquire it, or

(ii) has been provided by that partner or other member of the family to the absent parent or parent with care, but the absent

parent or parent with care has not provided it to the Department or the child support officer;

(*c*) a Category C interim maintenance assessment where—

(i) the absent parent is a self-employed earner as defined in regulation 1(2) of the Maintenance Assessments and Special Cases Regulations;

(ii) the absent parent is currently unable to provide, but has indicated that he expects within a reasonable time to be able to provide, information to enable a child support officer to determine the earnings of that absent parent in accordance with paragraphs 3 to 5 of Schedule 1 to the Maintenance Assessments and Special Cases Regulations, and

(iii) no maintenance order as defined in Article 10(11) of the Order or written maintenance agreement as defined in Article 11(1) of the Order is in force with respect to children in respect of whom the Category C interim maintenance assessment would be made, or

(*d*) a Category D interim maintenance assessment where it appears to a child support officer, on the basis of information available to him as to the income of the absent parent, that the amount of any maintenance assessment made in accordance with Part I of Schedule 1 to the Order applicable to that absent parent may be higher than the amount of a Category A interim maintenance assessment in force in respect of him.

(4) In this regulation and in regulation 8A, "family" and "partner" have the same meanings as in the Maintenance Assessments and Special Cases Regulations.

Amount of an interim maintenance assessment

8A.—(1) The amount of child support maintenance fixed by a Category A interim maintenance assessment shall be 1·5 multiplied by the amount of the maintenance requirement in respect of the qualifying child or qualifying children concerned calculated in accordance with the provisions of paragraph 1 of Schedule 1 to the Order, and paragraphs 2 to 9 of that Schedule shall not apply to Category A interim maintenance assessments.

(2) Subject to paragraph (5), the amount of child support maintenance fixed by a Category B interim maintenance assessment shall be determined in accordance with paragraphs (3) and (4).

(3) Where a child support officer is unable to determine the exempt income—

(*a*) of an absent parent under regulation 9 of the Maintenance Assessments and Special Cases Regulations because he is unable to determine whether regulation 9(2) of those Regulations applies;

(*b*) of a parent with care under regulation 10 of those Regulations because he is unable to determine whether regulation 9(2) of those