1995 No. 19

FAMILY LAW

CHILD SUPPORT

The Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 1995

Made	*23rd January 1995*
Coming into operation . .	*16th February 1995*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 16(1), 18(5), 47 and 48 of, and paragraph 11 of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(**a**) 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) Regulations (Northern Ireland) 1995 and shall come into operation on 16th February 1995.

(2) In these regulations—

"Information, Evidence and Disclosure Regulations" means the Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(**b**);

"Maintenance Arrangements and Jurisdiction Regulations" means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992(**c**);

"Maintenance Assessment Procedure Regulations" means the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(**d**).

Amendment of the Information, Evidence and Disclosure Regulations

2. In regulation 2 of the Information, Evidence and Disclosure Regulations (persons under a duty to furnish information or evidence) after paragraph (2)(*b*) there shall be inserted the following sub-paragraph—

"(*ba*) the current or recent employer of a person falling within sub-paragraph (*b*), with respect to the matters listed in sub-paragraphs (*d*) and (*e*) of regulation 3(1);".

(**a**) S.I. 1991/2628 (N.I. 23)
(**b**) S.R. 1992 No. 339; relevant amending regulations are S.R. 1994 No. 65
(**c**) S.R. 1992 No. 466; to which there are amendments not relevant to these regulations
(**d**) S.R. 1992 No. 340; relevant amending regulations are S.R. 1993 No. 164 and S.R. 1994 No. 37

Amendment of the Maintenance Arrangements and Jurisdiction Regulations

3. In regulation 3 of the Maintenance Arrangements and Jurisdiction Regulations (relationship between maintenance assessments and certain court orders) after paragraph (5) there shall be added the following paragraph—

"(6) Where at the time an interim maintenance assessment was made there was in force with respect to children in respect of whom that interim maintenance assessment was made an order falling within paragraph (1), the effective date of a maintenance assessment subsequently made in accordance with Part I of Schedule 1 to the Order in respect of those children shall be the effective date of that interim maintenance assessment as determined under paragraph (4).".

Amendment of the Maintenance Assessment Procedure Regulations

4.—(1) The Maintenance Assessment Procedure Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of "Information, Evidence and Disclosure Regulations" there shall be inserted the following definition—

" "Maintenance Arrangements and Jurisdiction Regulations" means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992;".

(3) In regulation 8(a) (amount and duration of an interim maintenance assessment)—

(*a*) in paragraph (3) for "Where the provisions of regulation 29(2)(*a*) or (4) apply" there shall be substituted "Except where regulation 3(4) of the Maintenance Arrangements and Jurisdiction Regulations (effective date of maintenance assessment where court order in force) or paragraph (3A), (3B), (3C) or (3D) applies";

(*b*) after paragraph (3) there shall be inserted the following paragraphs—

"(3A) Subject to paragraph (3D), where a child support officer makes a Category A interim maintenance assessment following a review of a Category A interim maintenance assessment under Article 18 of the Order, the effective date of that assessment shall be 52 weeks after the effective date of the previous interim maintenance assessment, disregarding any previous interim maintenance assessment made following a review under Article 21 of the Order.

(3B) Subject to paragraph (3D), where a child support officer reviews a Category A interim maintenance assessment under Article 21(1) of the Order on the grounds that it is defective because of a mistake as to its effective date or for reasons which include a mistake as to its effective date, the effective date of a Category A interim maintenance assessment made following such a review shall be the correct effective date applicable to the interim maintenance assessment being reviewed, as determined in accordance with paragraph (3), (3A) or regulation 3(4) of the Maintenance Arrangements and Jurisdiction Regulations, as the case may be.

(a) Regulation 8 was amended by S.R. 1993 No. 164