1993 No. 174 (C. 9)

FAMILY LAW

CHILD SUPPORT

The Child Support (1991 Order) (Commencement No. 3 and Transitional Provisions) (Amendment) Order (Northern Ireland) 1993

Made . . . . . 2nd April 1993

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 1(2) to (5) of the Child Support (Northern Ireland) Order 1991(**a**) and paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(**b**) and of all other powers enabling it in that behalf, hereby makes the following order:

Citation

1. This order may be cited as the Child Support (1991 Order) (Commencement No. 3 and Transitional Provisions) (Amendment) Order (Northern Ireland) 1993.

Amendment of the Child Support (1991 Order) (Commencement No. 3 and Transitional Provisions) Order

2.—(1) The Schedule to the Child Support (1991 Order) (Commencement No. 3 and Transitional Provisions) Order (Northern Ireland) 1992(**c**) shall be amended in accordance with paragraphs (2) and (3).

(2) For Part I (phased take-on of cases) there shall be substituted the following Part—

"PART I

PHASED TAKE-ON OF CASES

1.—(1) In this Part—

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

"benefit" means income support, family credit or disability working allowance under Part VII of the Social Security Contributions and

(**a**) S.I. 1991/2628 (N.I. 23)
(**b**) 1974 c. 28
(**c**) S.R. 1992 No. 467 (C. 20)

Benefits (Northern Ireland) Act 1992(**a**), or any other benefit prescribed under Article 9(1) of the Order (applications by parents receiving benefit);

"the Matrimonial Causes Rules" means the Matrimonial Causes Rules (Northern Ireland) 1981(**b**);

"parent with care" means a person who, in respect of the same child or children, is both a parent and a person with care;

"transitional period" means the period beginning with and including 5th April 1993 and ending on 6th April 1997.

(2) For the purposes of paragraph 4, an application for a maintenance order is pending before a court if, before 5th April 1993—

(i) a summons has been issued in accordance with the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1980(**c**) or the Matrimonial Causes Rules;

(ii) notice of application for ancillary relief has been filed in accordance with the Matrimonial Causes Rules;

(iii) in the case of an application contained in a petition for divorce, nullity or judicial separation, or the answer to it, notice of intention to proceed with it was given, in the form required by the Matrimonial Causes Rules.

2. Subject to paragraph 3, during the transitional period no application under Article 7 of the Order (applications for child support maintenance) in relation to a qualifying child or any qualifying children may be made at any time when—

(*a*) there is in force a maintenance order or written maintenance agreement (being an agreement made before 5th April 1993) in respect of that qualifying child or those qualifying children and the absent parent; or

(*b*) benefit is being paid to a parent with care of that child or those children.

3.—(1) Paragraph 2 does not apply to an application made—

(*a*) in that part of the transitional period beginning with and including 8th April 1996, if the surname of the person with care begins with any of the letters A to D inclusive;

(*b*) in that part of the transitional period beginning with and including 1st July 1996, if the surname of the person with care begins with any of the letters E to K inclusive;

(*c*) in that part of the transitional period beginning with and including 7th October 1996, if the surname of the person with care begins with any of the letters L to R inclusive; and

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(**a**) 1992 c. 7. Disability working allowance is prescribed for the purposes of Article 9(1) of the Child Support (Northern Ireland) Order 1991 by regulation 33 of S.R. 1992 No. 340

(**b**) S.R. 1981 No. 184; relevant amending rules are S.R. 1993 No. 134

(**c**) S.R. 1980 No. 371; relevant amending rules are S.R. 1993 No. 138