1993 No. 117

FAMILY LAW

CHILD SUPPORT

The Child Support (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1993

Made	*15th March 1993*
Coming into operation . .	*5th April 1993*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 49(2) and (3) of the Child Support (Northern Ireland) Order 1991(**a**) 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 (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1993 and shall come into operation on 5th April 1993.

Adaptation of the Child Support (Northern Ireland) Order 1991 and regulations in respect of child support

2.—(1) The provisions contained in the Memorandum of Arrangements set out in Schedule 1 shall have effect so far as the same relate to Northern Ireland.

(2) In particular and without prejudice to paragraph (1) any act, omission and event which has effect for the purposes of the provision of the Great Britain legislation specified in column 2 of Schedule 2 shall also have effect as an act, omission and event for the purposes of the provision of the Child Support (Northern Ireland) Order 1991 specified in the corresponding paragraph of column 1 of Schedule 2; and in the provisions specified in column 1 of Schedule 2 the references to—

(*a*) ''the Order'' shall be construed as including references to the Child Support Act 1991(**b**);

(*b*) ''the Department'' shall be construed as including references to the Secretary of State;

(*c*) any ''child support officer'' shall be construed as including references to such an officer appointed by the Secretary of State;

(**a**) S.I. 1991/2628 (N.I. 23). Article 49(1) provides for the Department of Health and Social Services to make arrangements with the Secretary of State to secure provision for a single child support system within the United Kingdom

(**b**) 1991 c. 48

(*d*) "child support maintenance" shall be construed as including references to child support maintenance within the meaning of the Child Support Act 1991.

Sealed with the Official Seal of the Department of Health and Social Services on 15th March 1993.

(L.S.) *A. Devlin*
Assistant Secretary

SCHEDULE 1 Regulation 2(1)

Memorandum of Arrangements relating to the provision made for Child Support Maintenance in the United Kingdom between the Secretary of State for Social Security of the one part and the Department of Health and Social Services for Northern Ireland of the other part

PART I

Interpretation and General Provisions

1. In this Memorandum, unless the context otherwise requires:

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

"application", for the purposes of Article 5, includes an application by an absent parent and an application under section 7 of the Act;

"determining authority" means, in relation to Great Britain, a child support officer, a child support appeal tribunal, a Child Support Commissioner, or a tribunal consisting of any three of the Child Support Commissioners, and appointed or constituted under the Act, and, in relation to Northern Ireland, a child support officer or a child support appeal tribunal appointed or constituted under the Order, a Child Support Commissioner for Northern Ireland appointed under the Act or a tribunal consisting of any two or three of the Child Support Commissioners for Northern Ireland constituted under the Order;

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

"territory" means Great Britain or Northern Ireland, as the case may be.

2.—(1) Unless the context otherwise requires, in the application of this Memorandum to a territory, expressions used in this Memorandum shall have the same respective meanings as in the Act, in relation to Great Britain, or in the Order, in relation to Northern Ireland.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1978 shall apply for the purposes of the interpretation of this Memorandum as they apply for the purposes of the interpretation of an Act of Parliament or statutory instrument.

3.—(1) Subject to Articles 5 to 12 of this Memorandum, the provision made for Great Britain and the provision made for Northern Ireland shall operate as a single system within the United Kingdom.

(2) For the purposes of paragraph (1), all acts, omissions and events and in particular any application, declaration, direction, decision or order having effect for the provision made for Great Britain and having effect in that territory or for the provision made for Northern Ireland and having effect in that territory, shall have a corresponding effect for the purpose of the provision made for child support maintenance made in the other territory.

4. Nothing in this Memorandum shall require the payment of a fee under the provision made for one territory if such a fee is paid or liable to be paid in the same circumstances under the provision made for the other territory.

PART 2

Case Ownership

5.—(1) Subject to paragraphs (2) and (4), where two or more applications for a maintenance assessment are made in relation to the same absent parent or a person treated as such, under the provision made for one territory and under the provision made for the other territory, all the said applications shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care resides in respect of whom the first application was received.

(2) Subject to paragraph (4), where the applications specified in paragraph (1) include an application under section 7 of the Act by a qualifying child (right of child in Scotland to apply for assessment), all the applications shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care of the said qualifying child resides.

(3) Subject to paragraph (4), where a person with care whose application is dealt with under the provisions of paragraph (1) makes an application in respect of another absent parent, that further application shall be dealt with in, and in accordance with the provision made for, the territory specified in that paragraph.

(4) Where paragraphs (1), (2) or (3) apply, the determining authority shall, in determining the amount of child support maintenance to be fixed by any maintenance assessment, take into account in calculating that amount, any provisions which would otherwise have been applicable to that calculation had the assessment been made in accordance with the provision made for the other territory.

PART 3

Multiple Applications

6. Where—

(*a*) no maintenance assessment is in force and an application for such an assessment is made in one territory and another such application is made in the other territory in respect of the same qualifying child or children and the same person with care and absent parent or parents or person treated as such; and

(*b*) but for the fact that the person with care, and the absent parent or parents or person treated as such reside in different territories the provisions regarding multiple applications made under the provision for Great Britain or the provision made for Northern Ireland would apply,

those provisions shall have effect to determine which application shall be proceeded with.

PART 4

Disclosure of Information and Inspectors

7.—(1) Subject to paragraph (2) where the Secretary of State, the Department, or a child support officer appointed under the provision made for Great Britain or for Northern Ireland, has in his or its possession any information or evidence held for the purposes of the provision made for his or its territory, that information or evidence may be disclosed to the Secretary of State, the Department or the child support officer for the other territory for the purposes of the provision made for Great Britain or for Northern Ireland, as the case may be.