1993 No. 98

FAMILY LAW

The Child Support (Consequential Amendments) Order (Northern Ireland) 1993

Made	*5th March 1993*
Coming into operation . .	*5th April 1993*
To be laid before Parliament	

The Lord Chancellor, in exercise of the powers conferred on him by Article 51(1) of the Child Support (Northern Ireland) Order 1991(a), hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Child Support (Consequential Amendments) Order (Northern Ireland) 1993 and shall come into operation on 5th April 1993.

Consequential amendments

2. The amendments set out in the Schedule (which are made in consequence of provision made by or under the Child Support (Northern Ireland) Order 1991) shall have effect.

Dated 5th March 1993 *Mackay of Clashfern*, C.

(a) S.I. 1991/2628 (N.I. 23)

Amendment to provisions consequent upon provision made by or under the Child Support (Northern Ireland) Order 1991

Interpretation

1. In this Schedule—

"the Order of 1978" means the Matrimonial Causes (Northern Ireland) Order 1978(**a**);

"the Order of 1980" means the Domestic Proceedings (Northern Ireland) Order 1980(**b**); and

"the Order of 1981" means the Magistrates' Courts (Northern Ireland) Order 1981(**c**).

Matrimonial Causes (Northern Ireland) Order 1978

2. In Article 2 of the Order of 1978 (interpretation)(**d**), in paragraph (2), after the definition of "education" there shall be inserted the following definition—

" "maintenance assessment" means an assessment of maintenance made under the Child Support (Northern Ireland) Order 1991 and includes, except in circumstances prescribed for the purposes of the definition of that expression in Article 2(2) of that Order, an interim maintenance assessment within the meaning of that Order;".

3.—(1) In Article 31 of the Order of 1978 (duration of continuing financial provision orders in favour of children etc.)(**e**) in paragraph (2) after the words "any later date" there shall be inserted the words "or a date ascertained in accordance with paragraph (5) or (7)".

(2) After paragraph (4) of that Article there shall be added the following paragraphs—

"(5) Where—

(*a*) a maintenance assessment ("the current assessment") is in force with respect to a child; and

(*b*) before the end of the period of 6 months beginning with the date on which the current assessment was made, an application is made under this Part for a periodical payments or secured periodical payments order in favour of that child;

the term to be specified in any such order made on that application may be expressed to begin on or at any time after the earliest permitted date.

(6) For the purposes of paragraph (5), "the earliest permitted date" is the later of—

(*a*) the date six months before the application for the order was made; or

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(**a**) S.I. 1978/1045 (N.I. 15)
(**b**) S.I. 1980/563 (N.I. 5)
(**c**) S.I. 1981/1675 (N.I. 26)
(**d**) Article 2 was amended by Part I of Schedule 5 to the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))
(**e**) Article 31(2) was amended by Article 8(4) of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 S.I. 1989/677 (N.I. 4)

(*b*) the date on which the current assessment took effect or, where successive maintenance assessments have been continuously in force with respect to that child, the first of those assessments took effect.

(7) Where—

(*a*) a maintenance assessment ceases to have effect or is cancelled by or under any provision of the Child Support (Northern Ireland) Order 1991; and

(*b*) before the end of the period of 6 months beginning with the relevant date, an application is made for a periodical payments or secured periodical payments order in favour of a child with respect to whom that maintenance assessment was in force immediately before it ceased to have effect or was cancelled,

the term to be specified in any such order made on that application may begin with the relevant date or any later date.

(8) In paragraph (7) "the relevant date" means—

(*a*) where the maintenance assessment ceased to have effect, the date on which it so ceased; and

(*b*) where the maintenance assessment was cancelled, the later of—

(i) the date on which the person who cancelled it did so; or

(ii) the date from which the cancellation first had effect.".

4. In Article 33 of the Order of 1978 (variation, discharge etc. of certain orders for financial relief)(**a**), after paragraph (10) there shall be added the following paragraphs—

"(11) Paragraph (12) applies where—

(*a*) a periodical payments or secured periodical payments order in favour of more than one child ("the order") is in force;

(*b*) the order requires payments specified in it to be made to or for the benefit of more than one child without apportioning those payments between them;

(*c*) a maintenance assessment ("the assessment") is made with respect to one or more but not all of the children in whose favour the order is in force; and

(*d*) an application is made, before the end of the period of 6 months beginning with the date on which the assessment was made, for the variation or discharge of the order.

(12) Where this paragraph applies, the court may, in exercise of its powers under this Article to vary or discharge the order, direct that the variation or discharge shall take effect from the date on which the assessment took effect or any later date.

(13) Paragraph (14) applies where—

(*a*) an order ("the child order") of a kind prescribed for the purposes of Article 12(1) of the Child Support (Northern Ireland) Order 1991 is affected by a maintenance assessment;

(*b*) on the date on which the child order became so affected there was in force a periodical payments or secured periodical payments order ("the spousal order") in favour of a party to a marriage having the care of the child in whose favour the child order was made; and

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(**a**) Article 33(10) was inserted by Article 9(5) of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 S.I. 1989/677 (N.I. 4)