1993 No. 73

FAMILY LAW

CHILD SUPPORT

The Child Support Fees Regulations (Northern Ireland) 1993

Made . . . . . *23rd February 1993*

Coming into operation . . *5th April 1993*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 44 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, commencement and interpretation

1.—(1) These regulations may be cited as the Child Support Fees Regulations (Northern Ireland) 1993 and shall come into operation on 5th April 1993.

(2) In these regulations—

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

"assessable income" means income calculated in accordance with paragraph 5 of Schedule 1 to the Order;

"assessment fee" means a fee in respect of the assessment of child support maintenance;

"collection fee" means a fee in respect of the Department arranging for the collection of child support maintenance which becomes due, in accordance with a maintenance assessment, after that fee becomes payable, and (if necessary) arranging for the enforcement of the obligation to pay that child support maintenance in accordance with that assessment;

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

Circumstances where fees are payable

2. Where a maintenance assessment is made following an application under Article 7 or 9 of the Order fees shall be payable to the Department in accordance with regulations 3 and 4.

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

Liability to pay fees

3.—(1) Subject to paragraphs (4) and (5), where a maintenance assessment is in force the following persons shall be liable to pay fees, in accordance with regulation 4—

(*a*) where an application has been made under Article 7 of the Order—

(i) the person with care if he is a parent with care, and

(ii) the absent parent,

with respect to whom the assessment was made;

(*b*) where an application has been made under Article 9 of the Order and the parent with care remains within Article 9(1) of the Order, the absent parent with respect to whom the assessment was made.

(2) In a case falling within paragraph (1)(*a*), the fees payable shall be the assessment fee and, where the Department exercises its powers under Article 7(2) of the Order, the collection fee.

(3) In a case falling within paragraph (1)(*b*), the fees payable shall be the assessment fee and the collection fee.

(4) Where—

(*a*) an application has been made under Article 9 of the Order; and

(*b*) the parent with care no longer falls within Article 9(1) of the Order but has not requested the Department to cease taking action under Article 9 of the Order,

the case shall for the purposes of paragraph (1) be treated as if the application had been made under Article 7 of the Order.

(5) No fees shall be payable by the following categories of person—

(*a*) any person to or in respect of whom income support, family credit or disability working allowance under Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**) is paid;

(*b*) any person under the age of 16 or under the age of 19 and receiving full-time education which is not advanced education;

(*c*) any person whose assessable income is nil;

(*d*) an absent parent to whom paragraph 6 of Schedule 1 to the Order (protected income) apply.

(6) Paragraph (5) shall—

(*a*) be applied in relation to any occasion when a liability to pay fees under regulation 4 would otherwise arise; and

(*b*) have no effect on the fees payable by any other person.

(7) For the purposes of paragraph (5)(*b*), ''advanced education'' has the same meaning as in paragraph 2 of Schedule 1 to the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(**b**) (meaning of ''child'' for the purposes of the Order), and education is to be treated as full-time education if it satisfies the conditions set out in paragraph 3 of that Schedule.

(**a**) 1992 c. 7
(**b**) S.R. 1992 No. 340