1992 No. 466

FAMILY LAW

CHILD SUPPORT

The Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992

Made . . . . . 2nd November 1992

Coming into operation . . 5th April 1993

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 10(11), 12(1), (2) and (4), 41(3) and 47 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 (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992 and shall come into operation on 5th April 1993.

(2) In these regulations—

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

"effective date" means the date on which a maintenance assessment takes effect for the purposes of the Order.

Prescription of statutory provisions for the purposes of Article 10(11) of the Order

2. The following statutory provisions are prescribed for the purposes of Article 10(11) of the Order—

(*a*) the Matrimonial Causes Act (Northern Ireland) 1939(**b**);

(*b*) the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945(**c**);

(*c*) section 4 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1951(**d**);

(*d*) section 27 of the Judicature (Northern Ireland) Act 1978(**e**).

(**a**) S.I. 1991/2628 (N.I. 23)
(**b**) 1939 c. 13 (N.I.)
(**c**) 1945 c. 14 (N.I.)
(**d**) 1951 c. 7 (N.I.)
(**e**) 1978 c. 23

Relationship between maintenance assessments and certain court orders

3.—(1) Orders made under the following statutory provisions are of a kind prescribed for the purposes of Article 12(1) of the Order—

(*a*) the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924(**a**);

(*b*) the Matrimonial Causes Act (Northern Ireland) 1939;

(*c*) the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945;

(*d*) section 4 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1951;

(*e*) section 27 of the Judicature (Northern Ireland) Act 1978;

(*f*) Part III of the Matrimonial Causes (Northern Ireland) Order 1978(**b**);

(*g*) the Domestic Proceedings (Northern Ireland) Order 1980(**c**);

(*h*) Part IV of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(**d**).

(2) Subject to paragraph (3), where a maintenance assessment is made with respect to—

(*a*) all of the children with respect to whom an order falling within paragraph (1) is in force; or

(*b*) one or more but not all of the children with respect to whom an order falling within paragraph (1) is in force and where the amount payable under the order to or for the benefit of each child is separately specified,

that order shall, so far as it relates to the making or securing of periodical payments to or for the benefit of the children with respect to whom the maintenance assessment has been made, cease to have effect.

(3) The provisions of paragraph (2) shall not apply where a maintenance order has been made in accordance with Article 10(7) or (8) of the Order.

(4) Where a maintenance assessment is made with respect to children with respect to whom an order falling within paragraph (1) is in force, the effective date of that assessment shall be two days after the assessment is made.

(5) Where the provisions of paragraph (2) apply to an order, that part of the order to which those provisions apply shall cease to have effect from the effective date of the maintenance assessment.

Relationship between maintenance assessments and certain agreements

4.—(1) Maintenance agreements within the meaning of Article 11(1) of the Order are agreements of a kind prescribed for the purposes of Article 12(2) of the Order.

(a) 1924 c. 27 (N.I.)
(b) S.I. 1978/1045 (N.I. 15)
(c) S.I. 1980/563 (N.I. 5)
(d) S.I. 1989/677 (N.I. 4)

(2) Where a maintenance assessment is made with respect to—

(*a*) all of the children with respect to whom an agreement falling within paragraph (1) is in force; or

(*b*) one or more but not all of the children with respect to whom an agreement falling within paragraph (1) is in force and where the amount payable under the agreement to or for the benefit of each child is separately specified,

that agreement shall, so far as it relates to the making or securing of periodical payments to or for the benefit of the children with respect to whom the maintenance assessment has been made, become unenforceable from the effective date of the assessment.

(3) Where an agreement becomes unenforceable under the provisions of paragraph (2) to the extent specified in that paragraph, it shall remain unenforceable in relation to a particular child until such date as a child support officer no longer has jurisdiction to make a maintenance assessment with respect to that child.

Notifications by child support officers

5.—(1) Where a child support officer is aware that an order of a kind prescribed in paragraph (2) is in force and considers that the making of a maintenance assessment has affected, or is likely to affect, that order, he shall notify the persons prescribed in paragraph (3) in respect of whom that maintenance assessment is in force, and the persons prescribed in paragraph (4) holding office in the court where the order in question was made or subsequently registered, of the assessment and its effective date.

(2) The prescribed orders are those made under a statutory provision mentioned in regulation 3(1).

(3) The prescribed persons in respect of whom the maintenance assessment is in force are—

(*a*) a person with care;

(*b*) an absent parent;

(*c*) a person who is treated as an absent parent under regulation 20 of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(**a**).

(4) The prescribed person holding office in the court where the order in question was made or subsequently registered is—

(*a*) in relation to the High Court, the Master (Probate and Matrimonial) or the Master (Care and Protection);

(*b*) in relation to a county court, the chief clerk;

(*c*) in relation to a court of summary jurisdiction, the clerk of petty sessions.

(**a**) S.R. 1992 No. 341