1992 No. 390

FAMILY LAW

CHILD SUPPORT

The Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992

Made . . . . . *2nd September 1992*

Coming into operation . . *5th April 1993*

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation, commencement and interpretation

PART II

COLLECTION OF CHILD SUPPORT MAINTENANCE

2. Payment of child support maintenance
3. Method of payment
4. Interval of payment
5. Transmission of payments
6. Representations about payment arrangements
7. Notice to liable person as to requirements about payment

PART III

DEDUCTION FROM EARNINGS ORDERS

8. Interpretation of this Part
9. Deduction from earnings orders
10. Normal deduction rate
11. Protected earnings rate
12. Amount to be deducted by employer
13. Employer to notify liable person of deduction
14. Payment by employer to the Department

15. Information to be provided by liable person
16. Duty of employers and others to notify the Department
17. Requirement to review deduction from earnings orders
18. Power to vary deduction from earnings orders
19. Compliance with deduction from earnings orders as varied
20. Discharge of deduction from earnings orders
21. Lapse of deduction from earnings orders
22. Appeals against deduction from earnings orders
23. Crown employment
24. Priority as between orders
25. Offences

PART IV

LIABILITY ORDERS

26. Notice of intention to apply for a liability order
27. Application for a liability order
28. Liability orders
29. Application for warrant of commitment
30. Warrant of commitment

SCHEDULES

SCHEDULE 1 — Liability order prescribed form
SCHEDULE 2 — Form of warrant of commitment

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 29(2) and (3), 31(8), 32(1) to (5) and (7) to (9), 34(1), 36, 37(4)(*a*)(ii), (8) and (11) and 47 of the Child Support (Northern Ireland) Order 1991(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Support (Collection and Enforcement) 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;

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

"liable person" means a person liable to make payments of child support maintenance.

(3) Where under any provision of the Order or of these regulations—

(*a*) any document or notice is given or sent to the Department, it shall be treated as having been given or sent on the day it is received by the Department; and

(*b*) any document or notice is given or sent to any other person, it shall, if sent by post to that person's last known or notified address, be treated as having been given or sent on the second day after the day of posting, excluding any Sunday or any day which is a bank holiday under the Banking and Financial Dealings Act 1971(**a**).

PART II

COLLECTION OF CHILD SUPPORT MAINTENANCE

Payment of child support maintenance

2. Where a maintenance assessment has been made under the Order and the case is one to which Article 29 of the Order applies, the Department may specify that payments of child support maintenance shall be made by the liable person—

(*a*) to the person caring for the child or children in question;

(*b*) to, or through, the Department; or

(*c*) to, or through, such other person as the Department may specify.

Method of payment

3.—(1) Payments of child support maintenance shall be made by the liable person by whichever of the following methods the Department specifies as being appropriate in the circumstances—

(*a*) by standing order;

(*b*) by any other method which requires one person to give his authority for payments to be made from an account of his to an account of another's on specific dates during the period for which the authority is in force and without the need for any further authority from him;

(*c*) by an arrangement whereby one person gives his authority for payments to be made from an account of his, or on his behalf, to another person or to an account of that other person;

(*d*) by cheque or postal order;

(*e*) in cash.

(2) The Department may direct a liable person to take all reasonable steps to open an account from which payments under the maintenance assessment may be made in accordance with the method of payment specified under paragraph (1).

(**a**) 1971 c. 80

Interval of payment

4.—(1) The Department shall specify the day and interval by reference to which payments of child support maintenance are to be made by the liable person and may vary such day or interval.

(2) In specifying the day and interval of payment the Department shall have regard to all the circumstances and in particular to—

(*a*) the needs of the person entitled to receive payment and the day and interval by reference to which any other income is normally received by that person;

(*b*) the day and interval by reference to which the liable person's income is normally received; and

(*c*) any period necessary to enable the clearance of cheques or otherwise necessary to enable the transmission of payments to the person entitled to receive them.

Transmission of payments

5.—(1) Payments of child support maintenance made through the Department or other specified person shall be transmitted to the person entitled to receive them in whichever of the following ways the Department specifies as being appropriate in the circumstances—

(*a*) by a transfer of credit to an account nominated by the person entitled to receive the payments;

(*b*) by cheque, girocheque or other payable order;

(*c*) in cash.

(2) The Department shall specify the interval by reference to which the payments referred to in paragraph (1) are to be transmitted to the person entitled to receive them.

(3) The interval referred to in pargraph (2) may differ from the interval referred to in regulation 4 and may be varied by the Department.

(4) In specifying the interval for transmission of payments the Department shall have regard to all the circumstances and in particular to—

(*a*) the needs of the person entitled to receive payment and the interval by reference to which any other income is normally received by that person;

(*b*) any period necessary to enable the clearance of cheques or otherwise necessary to enable the transmission of payments to the person entitled to receive them.

Representations about payment arrangements

6. The Department shall, insofar as is reasonably practicable, provide the liable person and the person entitled to receive the payments of child support maintenance with an opportunity to make representations with regard to the matters referred to in regulations 2 to 5 and the Department shall have regard to those representations in exercising its powers under those regulations.

Notice to liable person as to requirements about payment

7.—(1) The Department shall send the liable person a notice stating—

(*a*) the amount of child support maintenance payable;

(*b*) to whom it is to be paid;

(*c*) the method of payment; and

(*d*) the day and interval by reference to which payments are to be made.

(2) A notice under paragraph (1) shall be sent to the liable person as soon as is reasonably practicable after—

(*a*) the making of a maintenance assessment; and

(*b*) any change in the requirements referred to in any previous such notice.

PART III

DEDUCTION FROM EARNINGS ORDERS

Interpretation of this Part

8.—(1) For the purposes of this Part—

"disposable income" means the amount determined under regulation 12(1) of the Maintenance Assessments and Special Cases Regulations;

"earnings" shall be construed in accordance with paragraphs (3) and (4);

"exempt income" means the amount determined under regulation 9 of the Maintenance Assessments and Special Cases Regulations;

"net earnings" shall be construed in accordance with paragraph (5);

"normal deduction rate" means the rate specified in a deduction from earnings order (expressed as a sum of money per week, month or other period) at which deductions are to be made from the liable person's net earnings;

"pay-day" in relation to a liable person means an occasion on which earnings are paid to him or the day on which such earnings would normally fall to be paid;

"prescribed minimum amount" means the minimum amount prescribed in regulation 13 of the Maintenance Assessments and Special Cases Regulations;

"protected earnings rate" means the level of earnings specified in a deduction from earnings order (expressed as a sum of money per week, month or other period) below which deductions of child support maintenance shall not be made for the purposes of this Part;

"protected income level" means the level of protected income determined in accordance with regulation 11 of the Maintenance Assessments and Special Cases Regulations.

(2) For the purposes of this Part, the relationship of employer and employee shall be treated as subsisting between two persons if one of them, as a principal and not as a servant or agent, pays to the other any sum defined as