1990 No. 375

SOCIAL SECURITY

The Income Support (Liable Relatives) Regulations (Northern Ireland) 1990

Made	*11th October 1990*
Coming into operation . .	*15th October 1990*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 25A(1) and (11) and 25B(5) of the Social Security (Northern Ireland) Order 1986(**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 Income Support (Liable Relatives) Regulations (Northern Ireland) 1990 and shall come into operation on 15th October 1990.

(2) In these regulations—

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**b**); and

"the Order" means the Social Security (Northern Ireland) Order 1986.

Prescribed amounts for the purposes of Article 25A of the Order

2.—(1) For the purposes of Article 25A of the Order (recovery of expenditure on income support: additional amounts and transfer of orders) the amount which may be included in the sum which the court may order the other parent to pay under Article 25(4) of the Order shall be the whole of the following amounts which are payable to or for the claimant—

(*a*) any personal allowance under paragraph 2 of Part I of Schedule 2 to the Income Support Regulations for each of the children whom the other parent is liable to maintain;

(*b*) any family premium under paragraph 3 of Part II of that Schedule;

(*c*) any lone parent premium under paragraph 8 of Part III of that Schedule;

(*d*) any disabled child premium under paragraph 14 of Part III of that Schedule in respect of a child whom the other parent is liable to maintain; and

(**a**) S.I. 1986/1888 (N.I. 18); Articles 25A and 25B are inserted by Article 10 of the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)). Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the regulation-making powers conferred by this Order; the said section 155(3A) was inserted by Article 63(1)

(**b**) S.R. 1987 No. 459; the relevant amending rules are S.R. 1988 No. 318 and S.R. 1990 Nos. 70, 213 and 346

(*e*) any carer premium under paragraph 14ZA of Part III of that Schedule if, but only if, that premium is payable because the claimant is in receipt, or is treated as being in receipt, of an invalid care allowance by reason of the fact that he is caring for a severely disabled child or young person whom the other parent is liable to maintain.

(2) If the court is satisfied that in addition to the amounts specified in paragraph (1) the liable parent has the means to pay, the sum which the court may order him to pay under Article 25(4) of the Order may also include all or some of the amount of any personal allowance payable to or for the claimant under paragraph 1 of Part I of Schedule 2 to the Income Support Regulations.

Prescribed statutory provisions for the purposes of Article 25A(11) of the Order

3. The prescribed statutory provisions for the purposes of Article 25A(11) of the Order are—

(*a*) the Maintenance Orders (Facilities for Enforcement) Act 1920(**a**) in so far as that Act applies to maintenance orders made in a Commonwealth country and registered in, or confirmed by, a court in Northern Ireland under that Act;

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

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

(*d*) section 16(2)(*a*) and (*b*) of the Maintenance Orders Act 1950(**d**);

(*e*) the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1951(**e**);

(*f*) Part X of the Children and Young Persons Act (Northern Ireland) 1968(**f**);

(*g*) Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972(**g**) and section 10(5) of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966(**h**);

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

(*i*) the Matrimonial Causes (Northern Ireland) Order 1978(**j**);

(*j*) the Domestic Proceedings (Northern Ireland) Order 1980(**k**);

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

(**a**) 1920 c. 33
(**b**) 1939 c. 13 (N.I.)
(**c**) 1945 c. 14 (N.I.)
(**d**) 1950 c. 37
(**e**) 1951 c. 7 (N.I.)
(**f**) 1968 c. 34 (N.I.)
(**g**) 1972 c. 18
(**h**) 1966 c. 35 (N.I.)
(**i**) 1978 c. 23
(**j**) S.I. 1978/1045 (N.I. 15)
(**k**) S.I. 1980/563 (N.I. 5)
(**l**) S.I. 1989/677 (N.I. 4)