Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Northern Ireland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1991 No. 2628 (N.I. 23)

The Child Support (Northern Ireland) Order 1991

- - - - - - 19th November 1991

Modifications etc. (not altering text)
C1 functions transf. SR 1999/481

Introductory

Title and commencement

1.—(1) This Order may be cited as the Child Support (Northern Ireland) Order 1991.

(2) This Order shall come into operation on such day or days as may be appointed by order made by the Lord Chancellor or the Head of the Department or by both of them acting jointly.

(3) An order under paragraph (2) may make such supplemental, incidental or transitional provision as appears to the person making the order to be necessary or expedient in connection with the provisions brought into operation by the order, including such adaptations or modifications of—

(a) the provisions so brought into operation;

(b) any provisions of this Order then in operation; or

(c) any provision of any other statutory provision,

as appear to him to be necessary or expedient.

(4) Different provision may be made by virtue of paragraph (3) with respect to different periods.

(5) Any provision made by virtue of paragraph (3) may, in particular, include provision for—

(a) the enforcement of a [F1maintenance assessment] **[**F2maintenance calculation**]** (including the collection of sums payable under the [F3assessment] **[**F4calculation**]**) as if the [F5assessment] **[**F4calculation**]** were a court order of a prescribed kind;

(b) the registration of maintenance [F6assessments] **[**F7calculations**]** with the appropriate court in connection with any provision of a kind mentioned in sub-paragraph (a);

(c) the variation, on application made to a court, of the provisions of a [F8maintenance assessment] **[**F9maintenance calculation**]** relating to the method of making payments fixed by the [F10assessment] **[**F11calculation**]** or the intervals at which such payments are to be made;

(d) a [F12maintenance assessment] **[**F13maintenance calculation**]**, or an order of a prescribed kind relating to one or more children, to be deemed, in prescribed circumstances, to have been validly made for all purposes or for such purposes as may be prescribed.

Subordinate Legislation Made

P1 Art. 1(2) partly exercised: 18.6.1992 appointed for specified provisions by S.R. 1992/278, art. 2, **Sch.**; 1.9.1992 appointed for specified provisions by S.R. 1992/347, **art. 2**; 5.4.1993 appointed for specified provisions by S.R. 1992/467, **art. 2**, (with transitional provisions in art. 3, Sch.)

F1 Words in art. 1(5)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F2 Words in art. 1(5)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F3 Word in art. 1(5)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F4 Word in art. 1(5)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F5 Word in art. 1(5)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F6 Word in art. 1(5)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F7 Word in art. 1(5)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F8 Words in art. 1(5)(c) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F9 Words in art. 1(5)(c) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F10 Word in art. 1(5)(c) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F11 Word in art. 1(5)(c) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F12 Words in art. 1(5)(d) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

F13 Words in art. 1(5)(d) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F14] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"[[F15]absent parent] **[**[F16]non-resident parent**]**" has the meaning given in Article 4(2);

Definition rep. by 1998 NI 10

[[F17]"appeal tribunal" means an appeal tribunal constituted under Chapter 1 of the Social Security (Northern Ireland) Order 1998;**]**

[[F18]"application for a [[F19]departure direction] **[**[F20]variation**]**" means an application under Article 28A**[**[F21]or 28G**]**;**]**

[F22]"assessable income" has the meaning given in paragraph 5 of Schedule 1;

"benefit Acts" means the**[**[F18] Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Social Security Administration (Northern Ireland) Act 1992**]**

"child benefit" has the same meaning as in the Child Benefit (Northern Ireland) Order 1975[F23];

Definitions rep. by 1998 NI 10

"Child Support Commissioner" means a Child Support Commissioner for Northern Ireland appointed under section 23 of the Child Support Act 1991[F24];

"child support maintenance" has the meaning given in Article 4(6);

Definition rep. by 1998 NI 10

[[F25F26]"current assessment", in relation to an application for a departure direction, means (subject to any regulations made under paragraph 10 of Schedule 4A) the maintenance assessment with respect to which the application is made;**]**

"deduction from earnings order" has the meaning given in Article 31(2);

[[F27]"default maintenance decision" has the meaning given in Article 14;**]**

"the Department" means the Department of Health and Social Services;

[[F28F29]"departure direction" has the meaning given in Article 28A;**]**

"disability living allowance" has the same meaning as in the Social Security (Northern Ireland) Act 1975[F30];

Definition rep. by 2002 c. 21

"income support" has the same meaning as in the benefit Acts;

[[F31]"income-based jobseeker's allowance" has the same meaning as in the Jobseekers (Northern Ireland) Order 1995;**]**

"interim maintenance [[F32]assessment] **[**[F33]decision**]**" has the meaning given in Article 14;

"liability order" has the meaning given in Article 33(2);

"maintenance agreement" has the meaning given in Article 11(1);

[[F34]"maintenance assessment" means an assessment of maintenance made under this Order and, except in prescribed circumstances, includes an interim maintenance assessment;]

[[F35]"maintenance calculation" means a calculation of maintenance made under this Order and, except in prescribed circumstances, includes a default maintenance decision and an interim maintenance decision;**]**

"maintenance order" has the meaning given in Article 10(11);

[F36]"maintenance requirement" means the amount calculated in accordance with paragraph 1 of Schedule 1;

"parent", in relation to any child, means any person who is in law the mother or father of the child and, in the case of an illegitimate child, includes the father;

[[F18]"parent with care" means a person who is, in relation to a child, both a parent and a person with care;**]**

"parental responsibility",**[**[F37] has the same meaning as in the Children (Northern Ireland) Order 1995**]**;

"person with care" has the meaning given in Article 4(3);

"prescribed", except in Article 12(5), means prescribed by regulations made by the Department;

"qualifying child" has the meaning given in Article 4(1);

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954[F38].

[[F39]"voluntary payment" has the meaning given in Article 28J.**]**

F14 1954 c. 33 (NI)

F15 Words in Order substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 11; S.R. 2003/53, art. 3(1), **Sch.**

F16 Words in Order substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 11; S.R. 2003/53, art. 3(1), **Sch.**

F17 1998 NI 10

F18 1995 NI 13

F19 Word in art. 2(2) in definition of "application for a departure direction" substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 12(a); S.R. 2003/53, art. 3(1), **Sch.**

F20 Word in art. 2(2) in definition of "application for a departure direction" substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 12(a); S.R. 2003/53, art. 3(1), **Sch.**

F21 Words in art. 2(2) in definition of "application for a departure direction" inserted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 12(a); S.R. 2003/53, art. 3(1), **Sch.**

F22 Art. 2(2): definition of "assessable income" repealed (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 67, 68(2), Sch. 3 para. 12(b), **Sch. 9 Pt. I**; S.R. 2003/53, art. 3(1), **Sch.**

F23 1975 NI 16

F24 1991 c. 48

F25 1995 NI 13

F26 Art. 2(2): definition of "current assessment" repealed (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 67, 68(2), Sch. 3 para. 12(b), **Sch. 9 Pt. I**; S.R. 2003/53, art. 3(1), **Sch.**

F27 Art. 2(2): definition of "default maintenance decision" inserted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 12(c); S.R. 2003/53, art. 3(1), **Sch.**

F28 1995 NI 13

F29 Art. 2(2): definition of "departure direction" repealed (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 67, 68(2), Sch. 3 para. 12(b), **Sch. 9 Pt. I**; S.R. 2003/53, art. 3(1), **Sch.**

F30 1975 c. 15

F31 1995 NI 15

F32 Word in art. 2(2) in definition of "interim maintenance assessment" substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 12(d); S.R. 2003/53, art. 3(1), **Sch.**

F33 Word in art. 2(2) in definition of "interim maintenance assessment" substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 12(d); S.R. 2003/53, art. 3(1), **Sch.**

F34 Art. 2(2): definition of "maintenance calculation" substituted (3.3.2003 for certain purposes otherwise prosp.) for definition of "maintenance assessment" by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 12(e); S.R. 2003/53, art. 3(1), **Sch.**

F35 Art. 2(2): definition of "maintenance calculation" substituted (3.3.2003 for certain purposes otherwise prosp.) for definition of "maintenance assessment" by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 12(e); S.R. 2003/53, art. 3(1), **Sch.**

F36 Art. 2(2): definition of "maintenance requirement" repealed (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 67, 68(2), Sch. 3 para. 12(b), **Sch. 9 Pt. I**; S.R. 2003/53, art. 3(1), **Sch.**

F37 1995 NI 2

F38 1954 c. 33 (NI)

F39 Art. 2(2): definition of "voluntary payment" added (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 25**, 68(2) Sch. 3 para. 12(f); S.R. 2003/53, art. 3(1), **Sch.**

Meaning of "child"

3 [F40]**.**—(1) For the purposes of this Order a person is a child if—

(a) he is under the age of 16;

(b) he is under the age of 19 and receiving full-time education (which is not advanced education)—

(i) by attendance at a recognised educational establishment; or

(ii) elsewhere, if the education is recognised by the Department; or

(c) he does not fall within sub-paragraph (a)or (b) but—

(i) he is under the age of 18, and

(ii) prescribed conditions are satisfied with respect to him.

(2) A person is not a child for the purposes of this Order if he—

(a) is or has been married**[**[F41] or a civil partner**]**;

(b) has celebrated a marriage**[**[F41], or been a party to a civil partnership,**]** which is void; or

(c) has celebrated a marriage in respect of which a decree of nullity has been granted**[**[F41] or has been a party to a civil partnership in respect of which a nullity order has been made**]**.

(3) In this Article—

"advanced education" means education of a prescribed description; and

"recognised educational establishment" means an establishment recognised by the Department for the purposes of this Article as being, or as comparable to, a university, college or school.