

Status: Point in time view as at 17/02/2016. This version of this cross heading contains provisions that are prospective.

Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Child support maintenance is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 7

Miscellaneous

Child support maintenance

PROSPECTIVE

Supporting maintenance agreements

126.—(1) In Article 11 of the Child Support (Northern Ireland) Order 1991 (maintenance agreements), after paragraph (2) insert—

“(2A) The Department may, with a view to reducing the need for applications under Article 7—

- (a) take such steps as it considers appropriate to encourage the making and keeping of maintenance agreements, and
- (b) in particular, before accepting an application under that Article, invite the applicant to consider with the Department whether it is possible to make such an agreement.”

(2) In Schedule 2 to the Child Maintenance Act (Northern Ireland) 2008 (maintenance calculations: transfer of cases to new rules), in paragraph 3, after sub-paragraph (2) insert—

“(3) The Department may before accepting an application required by provision under sub-paragraph (2)(b) invite the applicant to consider with the Department whether it is possible to make a maintenance agreement (within the meaning of Article 11 of the Child Support Order).”

Collection of child support maintenance

127.—(1) The Child Support (Northern Ireland) Order 1991 is amended as follows.

(2) In Article 7 (child support maintenance)—

- (a) in paragraph (2), the words from “or” to “made” are repealed;
- (b) after paragraph (2) insert—

“(2A) The Department may only make arrangements under paragraph (2)(a) if—

- (a) the non-resident parent agrees to the arrangements, or
- (b) the Department is satisfied that without the arrangements child support maintenance is unlikely to be paid in accordance with the calculation.”

(3) In Article 29 (collection of child support maintenance), in paragraph (1) after “may” insert “(subject to Article 7(2A))”.

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Commencement Information

II Art. 127(1)(2)(a) in operation at 17.2.2016 by S.R. 2016/46, art. 3(5)(a) (with art. 2)

PROSPECTIVE

Indicative maintenance calculations

128. After Article 11 of the Child Support (Northern Ireland) Order 1991 insert—

“Maintenance agreements: indicative calculations

11A.—(1) A person with care or non-resident parent in relation to any qualifying child or qualifying children may apply to the Department for an indicative calculation with respect to that child or any of those children.

(2) An indicative calculation is a calculation of the amount of child support maintenance which the Department considers would in accordance with Article 13 be fixed by a maintenance calculation if such a calculation were made with respect to the child or children in question.

(3) An indicative calculation does not create any liability on any person to pay child support maintenance.

(4) The Department may limit the number of applications it will accept under this Article in any particular case in such manner as it thinks fit.

(5) Where a person who is alleged to be the parent of a child with respect to whom an application for an indicative calculation has been made denies being one of the child's parents, the Department shall not make the indicative calculation on the assumption that the person is one of the child's parents unless the case falls within paragraph (b) of Case A3 in Article 27(2).”

Recovery of child support maintenance by deduction from benefit

129. In Article 40 of the Child Support (Northern Ireland) Order 1991 (as substituted by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000), for paragraphs (1) and (2) substitute—

“(1) The power of the Department to make regulations under section 5 of the Social Security Administration (Northern Ireland) Act 1992 by virtue of subsection (1)(q) of that section may be exercised with a view to securing the making of payments in respect of child support maintenance by a non-resident parent.

(2) The reference in paragraph (1) to the making of payments in respect of child support maintenance includes the recovery of—

(a) arrears of child support maintenance; and

(b) fees payable under section 3 of the Child Maintenance Act (Northern Ireland) 2008.”

Commencement Information

I2 Art. 129 in operation at 17.2.2016 by S.R. 2016/46, art. 3(5)(b)

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Fees

130.—(1) Section 3 of the Child Maintenance Act (Northern Ireland) 2008 (fees) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (d), at the end insert “ (including provision for the apportionment of fees and the matters to be taken into account in determining an apportionment) ”;

(b) in paragraph (g) “waiver,” is repealed;

(c) after paragraph (g) insert—

“(h) about waiver of fees (including the matters to be taken into account in determining a waiver).”

(3) After subsection (3) insert—

“(3A) The Department must review the effect of the first regulations made under subsection (1).

(3B) The review must take place before the end of the period of 30 months beginning with the day on which those regulations come into operation.

(3C) After the review, the Department must make and publish a report containing—

(a) the conclusions of the review; and

(b) a statement as to what the Department proposes to do in view of those conclusions.

(3D) The report must be laid before the Assembly by the Department.”

Commencement Information

I3 [Art. 130](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(5\)\(b\)](#)

Exclusion from individual voluntary arrangements

131. In the Insolvency (Northern Ireland) Order 1989, in Article 9 (interpretation), at the end insert—

“(5) Liability under the Child Support (Northern Ireland) Order 1991 to pay child support maintenance to any person is not a debt or liability for the purposes of Part 8.”

Commencement Information

I4 [Art. 131](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(5\)\(b\)](#)

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