
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992 (“the Arrears, Interest and Adjustment Regulations”), the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992 (“the Collection and Enforcement Regulations”), the Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations (Northern Ireland) 1992 (“the Collection and Enforcement of Other Forms of Maintenance Regulations”) and revoke, with savings provisions, the Child Support Fees Regulations (Northern Ireland) 1993 (“the Fees Regulations”). The amendments reflect amendments made to the Child Support (Northern Ireland) Order 1991 (“the Order”) by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (“the Act”).

Regulation 1 deals with citation, commencement and interpretation. Apart from regulations 3(8)(b), (19) and (22), 5(3) and 6 which come into operation on 2nd April 2001, these Regulations come into operation at different times for different cases according to the dates on which provisions of the Act which are relevant to these Regulations are commenced for different types of cases.

Regulation 2 amends the Arrears, Interest and Adjustment Regulations to reflect changes in terminology and other amendments to the Order.

Regulation 3(2) amends the Collection and Enforcement Regulations to include definitions of terms and to provide for any document or notice to be treated as having been given or sent on the day it is posted.

Regulation 3(3) to (6), (17), (20) and (21) makes various amendments to the Collection and Enforcement Regulations to reflect changes in terminology in the Order, changes to the method of collecting fees and methods of payment, the introduction into the Order of the ability to make voluntary payments in the period before a maintenance calculation is made, and the introduction into the Order of a system of penalty payments.

Regulation 3(7) inserts Part IIA into the Collection and Enforcement Regulations to provide for the collection of penalty payments.

Regulation 3(8) to (16) makes amendments to the Collection and Enforcement Regulations to reflect changes in the Order relating to deduction from earnings orders and to reflect changes in terminology and provisions dealing with the collection of interest, fees and penalty payments. Provision is also made to include in the definition of “earnings”, subject to a deduction from earnings order, payment or allowances received from a civilian employer while serving as a special member of a reserve force (within the meaning of the Reserve Forces Act 1996).

Regulation 3(19) inserts regulation 31 into the Collection and Enforcement Regulations, which makes provision in relation to disqualification from driving orders. The regulation provides for the procedures to be followed on the making of such orders.

Regulation 3(22) inserts the Schedule to these Regulations into the Collection and Enforcement Regulations. The new Schedule 3 prescribes the form of order of disqualification for holding or obtaining a driving licence.

Regulation 4 amends the Collection and Enforcement of Other Forms of Maintenance Regulations to reflect changes in terminology.

Regulation 5 provides for savings. Regulation 5(1) saves the Arrears, Interest and Adjustment Regulations for cases where interest has become due, but has not been paid, prior to the coming into

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operation of these Regulations. Regulation 5(3) saves the Fees Regulations for cases where fees have become payable, but have not been paid, prior to the coming into operation of these Regulations.

Regulation 6 revokes the Fees Regulations.

Articles 28J(3), 37A(11) and 38(1) and (4) of the Order are some of the enabling provisions under which these Regulations are made. They are inserted or substituted respectively by sections 19, 16(3) and 17(2) of the Act. Sections 17 and 19 of the Act were brought into operation for the purpose only of making of making regulations, on 22nd November 2000 by virtue of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 1) Order (Northern Ireland) 2000 (S.R. 2000 No. 358 (C. 16)). Section 16 of the Act is brought into operation, in so far as not already in operation, on 2nd April 2001 by virtue of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 3) Order (Northern Ireland) 2000 (S.R. 2000 No. 406 (C. 21)).

The impact on business of these Regulations was covered in the Regulatory Impact Assessment relating to the Act, in accordance with, and in consequence of which these Regulations are made. A copy of that Assessment may be obtained free of charge, from Social Security Policy and Legislation Division, Castle Buildings, Stormont, Belfast BT4 3SQ.