
STATUTORY INSTRUMENTS

2002 No. 771

FAMILY LAW

CHILD SUPPORT

The Child Support (Northern Ireland Reciprocal Arrangements) Amendment Regulations 2002

<i>Made</i>	- - - -	<i>21st March 2002</i>
<i>Laid before the House of Commons</i>	- - - -	<i>26th March 2002</i>
<i>Coming into force</i>	- -	<i>16th April 2002</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 87(4) and (9) of the Northern Ireland Act 1998(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Northern Ireland Reciprocal Arrangements) Amendment Regulations 2002 and shall come into force on 16th April 2002.

(2) In these Regulations, “the Northern Ireland Regulations” means the Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993(2).

Amendment of regulation 2 of the Northern Ireland Regulations

2.—(1) Regulation 2 of the Northern Ireland Regulations (adaptation) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1), for the words “Exchange of Letters set out in Schedule 1A” there shall be substituted the words “Exchanges of Letters set out in Schedules 1A and 1B”.

(3) In paragraph (2)—

(a) after the words “column 2 of Schedule 2” there shall be inserted the words “or column 2 of Schedule 3”;

(1) 1998 c. 47.

(2) S.I.1993/584, as amended by S.I. 1995/3261.

- (b) after the words “column 1 of Schedule 2” where they first occur there shall be inserted the words “or column 1 of Schedule 3 and for the purposes of the provision of the Family Law Act 1986(3) specified in the corresponding paragraph of column 1 of Schedule 3”;
- (c) for the words “of Health and Social Services for Northern Ireland” there shall be substituted the words “for Social Development”; and
- (d) paragraph (c) shall be omitted.

Insertion of Schedule 1B into the Northern Ireland Regulations

3. After Schedule 1A to the Northern Ireland Regulations (Exchange of Letters), there shall be inserted, as Schedule 1B, the Schedule set out in Schedule 1 to these Regulations.

Amendment of Schedule 2 to the Northern Ireland Regulations

4.—(1) Schedule 2 to the Northern Ireland Regulations (adaptation) shall be amended in accordance with the following provisions of these Regulations.

(2) After the entry relating to section 10 there shall be inserted the following entry—

“Section 14A Article 16A Information — offences”.

(3) The words “Sections 27 and 28” in column 1, “Article 28” in column 2 and “Declaration of parentage” in column 3 shall be omitted.

Insertion of Schedule 3 to the Northern Ireland Regulations

5. After Schedule 2 to the Northern Ireland Regulations (adaptation) there shall be inserted, as Schedule 3, the Schedule set out in Schedule 2 to these Regulations.

Signed by authority of the Secretary of State for Work and Pensions.

21st March 2002

P. Hollis
Parliamentary Under-Secretary of State,
Department for Work and Pensions

SCHEDULE 1

Regulation 3

SCHEDULE TO BE INSERTED INTO THE NORTHERN IRELAND REGULATIONS AS SCHEDULE 1B TO THOSE REGULATIONS

“SCHEDULE 1B

Regulation 2(1)

EXCHANGE OF LETTERS AMENDING THE MEMORANDUM OF ARRANGEMENTS RELATING TO THE PROVISION MADE FOR CHILD SUPPORT MAINTENANCE IN THE UNITED KINGDOM

No. 1

THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR WORK AND PENSIONS, WITH THE CONSENT OF THE TREASURY, TO THE MINISTER FOR SOCIAL DEVELOPMENT

11th March 2002

Sir,

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance between the Secretary of State for Social Security of the one part and the Department of Health and Social Services for Northern Ireland of the other part which came into effect on 5th April 1993, as amended in accordance with the Exchange of Letters from the Secretary of State for Social Security to the Department of Health and Social Services for Northern Ireland of 7th November 1995 and from the Department of Health and Social Services for Northern Ireland to the Secretary of State for Social Security of 8th November 1995 (which Memorandum in its amended form is referred to in this letter as “the Principal Memorandum”). I refer also to recent discussions between the Department for Work and Pensions and the Department for Social Development concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour, with the consent of the Treasury, to propose the following amendments to the Principal Memorandum:

In Article 1—

- (a) after the definition of “the Act” there shall be inserted the following definition—
““the 2000 Act” means the Child Support, Pensions and Social Security Act 2000(4);”;
- (b) after the definition of “application” there shall be inserted the following definition—
““the Department” means the Department for Social Development;”;
- (c) for the definition of “determining authority” there shall be substituted the following definition—
““determining authority” means, in relation to Great Britain, the Secretary of State, an appeal tribunal or a Commissioner, and, in relation to Northern Ireland, the Department, an appeal tribunal or a Commissioner;”.

After Article 1 there shall be inserted—

“1A.—(1) In these arrangements—

(4) 2000 c. 19.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) references to a maintenance assessment shall, in relevant cases, include references to a maintenance calculation;
- (b) references to an absent parent shall, in relevant cases, include references to a non-resident parent; and
- (c) references to cases where an application for a maintenance assessment is made shall, in relevant cases, include references to cases where an application for a maintenance calculation is treated as having been made.

(2) In this Article, “relevant cases” means cases for the purposes of which section 1 of the 2000 Act has come into force or cases for the purposes of which section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(5) has come into operation.”.

Article 3 shall be amended as follows—

- (a) in paragraph (1), for the word “12”, there shall be substituted the word “12A”; and
- (b) in paragraph (2), after the word “decision” there shall be inserted the word “, determination”.

Article 7(1) shall be amended as follows—

- (a) for the words “, the Department, or a child support officer appointed under the provision made for Great Britain or for Northern Ireland,” there shall be substituted the words “or the Department”; and
- (b) for the words “, the Department or the child support officer for the other territory”, there shall be substituted the words “or the Department”.

Article 12A shall be amended as follows—

- (a) in paragraph (a), for the words “Article 28 of the Order” there shall be substituted the words “Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(6)”;
- (b) in paragraph (b), for the words “section 27 of the Act” there shall be substituted the words “section 55A of the Family Law Act 1986(7)”;
- (c) in paragraphs (b) and (c), the words “of Health and Social Services” shall be omitted on each occasion where they occur.

If the foregoing proposals are acceptable to you, I have the honour to propose that this letter and your reply to that effect shall constitute a Memorandum of Arrangements between us which shall come into effect on 16th April 2002.

No. 2

THE MINISTER FOR SOCIAL DEVELOPMENT, WITH THE CONSENT OF THE
DEPARTMENT OF FINANCE AND PERSONNEL, TO THE PARLIAMENTARY
UNDER-SECRETARY OF STATE FOR WORK AND PENSIONS

14th March 2002

Madam,

I refer to your letter of 11th March 2002 which reads as follows:

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance between the Secretary of State for Social Security of the one part and

(5) 2000 c. 4 (N.I.).

(6) S.I. 1989/677 (N.I. 4).

(7) 1986 c. 55.

the Department of Health and Social Services for Northern Ireland of the other part which came into effect on 5th April 1993, as amended in accordance with the Exchange of Letters from the Secretary of State for Social Security to the Department of Health and Social Services for Northern Ireland of 7th November 1995 and from the Department of Health and Social Services for Northern Ireland to the Secretary of State for Social Security of 8th November 1995 (which Memorandum in its amended form is referred to in this letter as “the Principal Memorandum”). I refer also to recent discussions between the Department for Work and Pensions and the Department for Social Development concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour, with the consent of the Treasury, to propose the following amendments to the Principal Memorandum:

In Article 1—

- (a) after the definition of “the Act” there shall be inserted the following definition—
 ““the 2000 Act” means the Child Support, Pensions and Social Security Act 2000(8);”;
- (b) after the definition of “application” there shall be inserted the following definition—
 ““the Department” means the Department for Social Development;”;
- (c) for the definition of “determining authority” there shall be substituted the following definition—
 ““determining authority” means, in relation to Great Britain, the Secretary of State, an appeal tribunal or a Commissioner, and, in relation to Northern Ireland, the Department, an appeal tribunal or a Commissioner;”.

After Article 1 there shall be inserted—

- “1A.—(1) In these arrangements—
 - (a) references to a maintenance assessment shall, in relevant cases, include references to a maintenance calculation;
 - (b) references to an absent parent shall, in relevant cases, include references to a non-resident parent; and
 - (c) references to cases where an application for a maintenance assessment is made shall, in relevant cases, include references to cases where an application for a maintenance calculation is treated as having been made.
- (2) In this Article, “relevant cases” means cases for the purposes of which section 1 of the 2000 Act has come into force or cases for the purposes of which section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(9) has come into operation.”.

Article 3 shall be amended as follows—

- (a) in paragraph (1), for the word “12”, there shall be substituted the word “12A”; and
- (b) in paragraph (2), after the word “decision” there shall be inserted the word “, determination”.

Article 7(1) shall be amended as follows—

- (a) for the words “, the Department, or a child support officer appointed under the provision made for Great Britain or Northern Ireland,” there shall be substituted the words “or the Department”; and

(8) 2000 c. 19.

(9) 2000 c. 4 (N.I.).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) for the words “, the Department or the child support officer for the other territory”, there shall be substituted the words “or the Department”.

Article 12A shall be amended as follows—

- (a) in paragraph (a), for the words “Article 28 of the Order” there shall be substituted the words “Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(10)”;
- (b) in paragraph (b), for the words “section 27 of the Act” there shall be substituted the words “section 55A of the Family Law Act 1986(11)”;
- (c) in paragraphs (b) and (c), the words “of Health and Social Services” shall be omitted on each occasion where they occur.”.

I have the honour to confirm, with the consent of the Department of Finance and Personnel, that the foregoing proposals are acceptable to the Minister for Social Development, and agree that your letter and this reply shall constitute a Memorandum of Arrangements between us which shall come into effect on 16th April 2002.

SCHEDULE 2

Regulation 5

SCHEDULE TO BE INSERTED INTO THE NORTHERN IRELAND REGULATIONS AS SCHEDULE 3 TO THOSE REGULATIONS

“SCHEDULE 3

Regulation 2(2)

ADAPTATION OF THE CHILD SUPPORT ACT 1991 AND THE FAMILY LAW ACT 1986(12) FOR THE PURPOSES OF THE CHILD SUPPORT ACT 1991

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Provision of the Child Support Act 1991 (“the 1991 Act”) or the Family Law Act 1986 (“the 1986 Act”)	Provision of the Matrimonial Proceedings (Northern Ireland) Order 1989(13)	Subject matter
Section 28 of the 1991 Act	Article 31B	Application for declaration of parentage for the purposes of the 1991 Act
Section 55A of the 1986 Act	Article 31B	Application for declaration of parentage for the purposes of the 1991 Act.”

(10) S.I. 1989/677 (N.I. 4).

(11) 1986 c. 55.

(12)

1986 c. 55.

(13) S.I. 1989/677 (N.I. 4).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Sealed with the Official Seal of the Department for Social Development on 14th March 2002.

Nigel Dodds
Minister for Social Development

The Department of Finance and Personnel hereby consents.

Sealed with the Official Seal of the Department of Finance and Personnel on 19th March 2002.

N. Taylor
Senior Officer of the
Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Great Britain to amendments made to reciprocal arrangements relating to matters for which provision is made by the Child Support Act 1991 (“the 1991 Act”) and, in Northern Ireland, by the Child Support (Northern Ireland) Order 1991 (“the 1991 Order”). The amendments to the arrangements are largely consequential upon amendments to the 1991 Act made by the Social Security Act 1998 (“the 1998 Act”) and the Child Support, Pensions and Social Security Act 2000 (“the 2000 Act”), and upon amendments to the 1991 Order made by the Social Security (Northern Ireland) Order 1998 and the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (“the 2000 Northern Ireland Act”). They make provision for changes in terminology introduced by the 1998 and 2000 Acts and, in Northern Ireland, by the Social Security (Northern Ireland) Order 1998 and the 2000 Northern Ireland Act, and update certain legislative references. The amendments are contained in the Exchange of Letters between the Parliamentary Under-Secretary for Work and Pensions and the Minister for Social Development set out in Schedule 1 to the Regulations.

The Regulations come into force on 16th April 2002, but the changes to terminology consequent upon the amendments made by the 2000 Act and the 2000 Northern Ireland Act will take effect at different times for different cases according to the dates on which section 1 of the 2000 Act and section 1 of the 2000 Northern Ireland Act are commenced for different types of cases.

These Regulations do not impose any costs on business.