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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 590**

**FAMILY LAW**

**CHILD SUPPORT**

The Child Support (Miscellaneous Amendments  
No. 2) Regulations (Northern Ireland) 1996

Made - - - - 19th December 1996

Coming into operation 13th January 1997

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 4(3), 14(2) and (3), 19(6) and (7), 23(2) and (3), 39, 43(11), 44, 47 and 48 of, and paragraphs 5(1), (2) and (4), 6(4), 8, 9 and 11 of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(1) 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 Child Support (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1996 and shall come into operation on 13th January 1997.

(2) In these Regulations “the Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(2).

**Amendment of the Maintenance Assessment Procedure Regulations**

2.—(1) The Maintenance Assessment Procedure Regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(6)(b) (citation, commencement and interpretation) after “to any” there shall be inserted “other”.

(3) In regulation 8D(3) (miscellaneous provisions in relation to interim maintenance assessments) for paragraph (8) there shall be substituted the following paragraph—

“(8) Where the information or evidence referred to in paragraph (6)(a) or (b) is that there has been an award of income support or an income-based jobseeker’s allowance, the Department shall be treated as having received that information or evidence on the first day

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(1) S.I.1991/2628 (N.I. 23); Article 19 was amended by Article 6 of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))

(2) S.R. 1992 No. 340; relevant amending regulations are S.R. 1993 No. 164, S.R. 1994 No. 65 and S.R. 1995 No. 475

(3) Regulation 8D was inserted by regulation 3(3) of S.R. 1995 No. 475

in respect of which income support or an income-based jobseeker's allowance was payable under that award.”.

- (4) In regulation 19 (fresh assessments following a review on a change of circumstances)—
- (a) in paragraph (1)(4) for “(4)” there shall be substituted “(5)”;
  - (b) after paragraph (4)(5) there shall be added the following paragraph—
 

“(5) Where a child support officer, on completing a review under Article 19 of the Order of a case falling within paragraph 5(4) of Schedule 1 to the Order, determines that the case no longer falls within that paragraph, he shall make a fresh assessment.”.
- (5) In regulation 29A(6) (effective dates of new maintenance assessments in particular cases)—
- (a) for paragraph (2) there shall be substituted the following paragraph—
 

“(2) Where a child support officer receives the information or evidence to enable him to make a maintenance assessment, calculated in accordance with the provisions of Part I of Schedule 1 to the Order, for the period from the date set by regulation 3(6) of the Maintenance Arrangements and Jurisdiction Regulations(7) or regulation 29(2)(a) or (b)(8), as the case may be, to the effective date of the maintenance assessment referred to in paragraph (1), the maintenance assessment first referred to in this paragraph shall, subject to regulation 32(7)(9), have effect for that period.”;
  - (b) after paragraph (2) there shall be added the following paragraphs—
 

“(3) The effective date of a new maintenance assessment made in respect of a person with care and an absent parent shall, where the circumstances set out in paragraph (4) apply, be the first day of the first maintenance period after the child support officer has received the information or evidence referred to in paragraph (4)(c) or 13th January 1997, whichever is the later.

(4) The circumstances referred to in paragraph (3) are where—

    - (a) paragraphs (1) and (2) do not apply to that person with care and that absent parent;
    - (b) no maintenance assessment made in accordance with the provisions of Part I of Schedule 1 to the Order is in force in relation to that person with care and that absent parent; and
    - (c) on or after 13th January 1997, a child support officer has sufficient information to enable him to make a new maintenance assessment, calculated in accordance with the provisions of Part I of Schedule 1 to the Order, in relation to that person with care and that absent parent but in respect only of a period beginning after the effective date applicable in their case by virtue of regulation 29(2).

(5) Where the information or evidence referred to in paragraph (3) is that there has been an award of income support or an income-based jobseeker's allowance, the Department shall be treated as having received the information or evidence which enables a child support officer to make the assessment referred to in that paragraph on the first day in respect of which income support or an income-based jobseeker's allowance was payable under that award.

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(4) Paragraph (1) was amended by regulation 4(8)(a) of S.R. 1993 No. 164 and further amended by regulation 3(13)(a) of S.R. 1995 No. 475

(5) Paragraph (4) was added by regulation 4(8)(b) of S.R. 1993 No. 164

(6) Regulation 29A was inserted by regulation 3(19) of S.R. 1995 No. 475

(7) Paragraph (6) was added by regulation 3 of S.R. 1995 No. 19

(8) Paragraph (2) was substituted by regulation 8(10)(b) of S.R. 1995 No. 162

(9) Paragraph (7) was added by regulation 3(22)(b) of S.R. 1995 No. 475

(6) Where, in a case falling within paragraph (3), a child support officer receives the information or evidence to enable him to make a maintenance assessment calculated in accordance with the provisions of Part I of Schedule 1 to the Order, for the period from the effective date applicable to that case under regulation 29(2)(a) or (b), as the case may be, to the effective date of the assessment referred to in paragraph (3), the maintenance assessment first referred to in this paragraph shall have effect for that period.

(7) Paragraphs (3) to (6) shall not apply where a case falls within regulation 32(7), or regulation 3 of the Maintenance Arrangements and Jurisdiction Regulations<sup>(10)</sup> (relationship between maintenance assessments and certain court orders).”.

(6) For regulation 49<sup>(11)</sup> (persons who are not persons with care) there shall be substituted the following regulation—

**“Persons who are not persons with care**

**49.—**(1) For the purposes of the Order the following categories of person shall not be persons with care—

- (a) an authority;
- (b) a person with whom a child who is looked after by an authority is placed by that authority under the provisions of the Children (Northern Ireland) Order 1995<sup>(12)</sup> except where that person is a parent of such a child and the authority allow the child to live with that parent under Article 25 of that Order.

(2) In paragraph (1)—

“authority” has the same meaning as in Article 2 of the Children (Northern Ireland) Order 1995;

“a child who is looked after by an authority” has the same meaning as in Article 25 of the Children (Northern Ireland) Order 1995.”.

**Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations**

**3.—**(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992<sup>(13)</sup> shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2)—

(i) after the definition of “the 1972 Order” there shall be inserted the following definitions—

““the Great Britain Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992<sup>(14)</sup>;

“the Children Order” means the Children (Northern Ireland) Order 1995;”;

(ii) after the definition of “the Jobseekers Order”<sup>(15)</sup> there shall be inserted the following definition—

““an authority” has the same meaning as in Article 2 of the Children Order;”;

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<sup>(10)</sup> Regulation 3 was amended by regulation 3 of S.R. 1995 No. 19, regulation 7(4) of S.R. 1995 No. 162 and regulation 7(2) of S.R. 1995 No. 475

<sup>(11)</sup> Regulation 49 was amended by regulation 4(13) of S.R. 1993 No. 164 and paragraph 1 of Schedule 21 to S.R. 1994 No. 65

<sup>(12)</sup> S.I. 1995/755 (N.I. 2)

<sup>(13)</sup> S.R. 1992 No. 341; relevant amending regulations are S.R. 1993 No. 164, S.R. 1994 Nos. 37 and 65, S.R. 1995 No. 162 and S.R. 1996 Nos. 289 and 317

<sup>(14)</sup> 1992 c. 4

<sup>(15)</sup> The definition of “the Jobseekers Order” was inserted by regulation 21(2) of S.R. 1996 No. 289

- (iii) in the definition of “family”(16) for the words from “in the care of” to the end there shall be substituted “being looked after by an authority within the meaning of Article 25 of the Children Order;”
  - (iv) the definitions of “Health and Social Services Board” and “HSS trust”(17) shall be omitted;
  - (v) in the definition of “person”(18) for “a Health and Social Services Board or an HSS trust” there shall be substituted “an authority”;
  - (vi) in the definition of “personal pension scheme” for “Article 2(2) of the Social Security (Northern Ireland) Order 1986” there shall be substituted “section 1 of the Pensions Schemes (Northern Ireland) Act 1993(19)”, and
  - (vii) after the definition of “prisoner” there shall be inserted the following definition—
    - ““profit-related pay” means any payment by an employer calculated by reference to actual or anticipated profits;”;
- (b) in paragraph (2A)(20)—
- (i) after “Benefits Act” there shall be inserted “or, as the case may be, the Great Britain Contributions and Benefits Act”;
  - (ii) in sub-paragraph (b) after “Benefit Acts” there shall be inserted “or, as the case may be, the Great Britain Contributions and Benefits Act”, and
  - (iii) in sub-paragraph (e)(ii) for “or under the Social Security Contributions and Benefits Act 1992” there shall be substituted “or, as the case may be, the Great Britain Contributions and Benefits Act”.
- (3) After regulation 10 there shall be inserted the following regulation—
- “Assessable income: family credit or disability working allowance paid to or in respect of a parent with care or an absent parent**
- 10A.**—(1) Subject to paragraph (2), where family credit or disability working allowance is paid to or in respect of a parent with care or an absent parent, that parent shall, for the purposes of Schedule 1 to the Order, be taken to have no assessable income.
- (2) Paragraph (1) shall apply to an absent parent only if—
- (a) he is also a parent with care; and
  - (b) either—
    - (i) a maintenance assessment in respect of a child in relation to whom he is a parent with care is in force, or
    - (ii) the child support officer is considering an application for such an assessment to be made.”.
- (4) In regulation 12(1)(21) (disposable income)—
- (a) in sub-paragraph (a) at the end “and” shall be omitted;
  - (b) in sub-paragraph (b)—
    - (i) at the beginning there shall be inserted “subject to sub-paragraph (c),” and

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(16) The definition of “family” was substituted by regulation 4(2) of [S.R. 1996 No. 317](#)

(17) The definition of “HSS trust” was inserted by paragraph 1(b) of Schedule 19 to [S.R. 1994 No. 65](#)

(18) The definition of “person” was amended by paragraph 1(c) of Schedule 19 to [S.R. 1994 No. 65](#)

(19) [1993 c. 49](#)

(20) Paragraph (2A) was inserted by regulation 5(2)(h) of [S.R. 1993 No. 164](#) and amended by regulation 9(2)(d) of [S.R. 1995 No. 162](#)

(21) Paragraph (1) was substituted by regulation 9(8) of [S.R. 1995 No. 162](#)

(ii) at the end there shall be added “and” and the following sub-paragraph—

“(c) in a case to which regulation 11(5A)(22) applies and the absent parent is paying maintenance under an order of a kind mentioned in regulation 11(2)(a)(ii) or (v)(23), his net income as calculated in accordance with regulation 7 less the amount of maintenance he is paying under that order.”.

(5) For regulation 25(24) (care provided in part by a Health and Social Services Board) there shall be substituted the following regulation—

**“Care provided in part by an authority**

**25.**—(1) Where the circumstances of a case are that an authority and a person each provide day to day care for the same qualifying child, that case shall be treated as a special case for the purposes of the Order.

(2) Subject to paragraph (3), in a case where this regulation applies—

- (a) child support maintenance shall be calculated in respect of that child as if this regulation did not apply;
- (b) the amount so calculated shall be divided by 7 so as to produce a daily amount;
- (c) in respect of each night for which day to day care for that child is provided by a person other than an authority, the daily amount relating to that period shall be payable by the absent parent (or, as the case may be, by the person treated as an absent parent under regulation 20(2));
- (d) child support maintenance shall not be payable in respect of any night for which an authority provides day to day care for that qualifying child.

(3) In a case where more than one qualifying child is included in a child support maintenance assessment application and where this regulation applies to at least one of those children, child support maintenance shall be calculated by applying the formula—

$$S \times \left( \frac{A}{7 \times B} \right)$$

where—

S is the total amount of child support maintenance in respect of all qualifying children included in that maintenance assessment application, calculated as if this regulation did not apply;

A is the aggregate of the number of nights of day to day care for all qualifying children included in that maintenance assessment application provided in each week by a person other than an authority;

B is the number of qualifying children in respect of whom the maintenance assessment application has been made.”.

(6) For regulation 27A(25) there shall be substituted the following regulation—

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(22) Paragraph (5A) was inserted by regulation 9(7)(c) of S.R. 1995 No. 162

(23) Head (v) was added by regulation 4(5)(b) of S.R. 1995 No. 475

(24) Regulation 25 was amended by paragraph 1(d) of Schedule 19 to S.R. 1994 No. 65 and regulation 9(12) of S.R. 1995 No. 162

(25) Regulation 27A was inserted by regulation 5(9) of S.R. 1993 No. 164

**“Child who is allowed to live with his parent under Article 27(5) of the Children Order**

**27A.**—(1) Where the circumstances of a case are that a qualifying child who is in the care of an authority is allowed by the authority to live with a parent of his under Article 27(5) of the Children Order, that case shall be treated as a special case for the purposes of the Order.

(2) For the purposes of this case, Article 4(3)(b) of the Order shall be modified so that for the reference to the person who usually provides day to day care for the child there shall be substituted a reference to the parent of a child whom the authority allow the child to live with under Article 27(5) of the Children Order.”

(7) In Schedule 1 (calculation of N and M)—

(a) in paragraph 1—

(i) in sub-paragraph (1) after head (a) there shall be inserted the following head—

“(aa) any profit-related pay, whether paid in anticipation of, or following, the calculation of profits;”;

(ii) in sub-paragraph (2) after head (g) there shall be added the following head—

“(h) any tax-exempt allowance made by an employer to an employee.”;

(b) in paragraph 2—

(i) in sub-paragraph (1)(26) for “(2)” there shall be substituted “(1A)”;

(ii) after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) Subject to sub-paragraph (4), where a person has claimed, or has been paid, family credit or disability working allowance on any day during the period beginning not earlier than eight weeks before the relevant week and ending not later than the date on which the assessment is made, the child support officer may have regard to the amount of earnings taken into account in determining entitlement to those benefits in order to calculate or estimate the amount of earnings to be taken into account for the purposes of calculating N and M, notwithstanding the fact that entitlement to those benefits may have been determined by reference to earnings attributable to a period other than that specified in sub-paragraph (1).”;

(iii) for sub-paragraph (2) there shall be substituted the following sub-paragraph—

“(2) Where a person’s earnings during the period of 52 weeks ending with the relevant week include—

(a) a bonus, commission or payment of profit-related pay made in anticipation of the calculation of profits which is paid separately from or in relation to a longer period than, the other earnings with which it is paid; or

(b) a payment in respect of profit-related pay made following the calculation of the employer’s profits,

the amount of that bonus, commission or profit-related payment shall be determined for the purposes of the calculation of earnings by aggregating any such payments received in that period and dividing by 52.”;

(iv) after sub-paragraph (3) there shall be inserted the following sub-paragraph—

“(3A) Where a case is one to which regulation 29A(1) or (3) of the Maintenance Assessment Procedure Regulations(27) applies (effective dates of new maintenance assessments in particular cases), the term “relevant week” shall, for the purpose of this paragraph, mean the period of 7 days immediately preceding the date on which the information or evidence is received which enables a child support officer to make

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(26) Sub-paragraph (1) was substituted by regulation 9(14)(c) of S.R. 1995 No. 162

(27) Regulation 29A was inserted by regulation 3(19) of S.R. 1995 No. 475

a new maintenance assessment calculated in accordance with the provisions of Part I of Schedule 1 to the Order in respect of that case for a period beginning after the effective date applicable to that case.”;

- (c) in paragraph 3 for sub-paragraph (5)(28) there shall be substituted the following sub-paragraph—

“(5) For the purposes of sub-paragraph (3)(c), the amount in respect of income tax shall be determined in accordance with the following provisions—

- (a) subject to head (c), an amount of chargeable earnings equivalent to any personal allowance applicable to the earner by virtue of the provisions of Chapter 1 of Part VII of the Income and Corporation Taxes Act 1988(29) (personal reliefs) shall be disregarded;
- (b) an amount equivalent to income tax shall be calculated with respect to taxable earnings at the rates applicable at the effective date;
- (c) the amount to be disregarded by virtue of head (a) shall be calculated by reference to the yearly rate applicable at the effective date, that amount being reduced or increased in the same proportion to that which the period represented by the chargeable earnings bears to the period of one year;
- (d) in this sub-paragraph, “taxable earnings” means the chargeable earnings of the earner following the disregard of any applicable personal allowances.”;

- (d) in paragraph 5 after sub-paragraph (4) there shall be added the following sub-paragraph—

“(5) Subject to sub-paragraph (3), where a person has claimed, or has been paid, family credit or disability working allowance on any day during the period beginning not earlier than eight weeks before the relevant week and ending not later than the date on which the assessment is made, the child support officer may have regard to the amount of earnings taken into account in determining entitlement to those benefits in order to calculate or estimate the amount of earnings to be taken into account for the purposes of calculating N and M, notwithstanding the fact that entitlement to those benefits may have been determined by reference to earnings attributable to a period other than that specified in sub-paragraph (1).”.

- (8) In Schedule 2(30) (amounts to be disregarded when calculating or estimating N and M)—

- (a) after paragraph 25 there shall be inserted the following paragraph—

“25A. Where an authority makes a payment in respect of the accommodation and maintenance of a child in pursuance of paragraph 17 of Schedule 1 to the Children Order (an authority’s contribution to child’s maintenance) to the extent that it exceeds the amount referred to in regulation 9(1)(g)(i) (reduced, as the case may be, under regulation 9(4)).”;

- (b) in paragraph 28—

- (i) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) an authority to a person who is caring for a child by virtue of arrangements made under Article 27(2)(a) of the Children Order (provision of accommodation and maintenance by an authority for children whom it is looking after) or by a voluntary organisation under Article 75(1)(a) of that Order (provision of accommodation by voluntary organisations); or”;

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(28) Sub-paragraph (5) was substituted by regulation 9(14)(d) of S.R. 1995 No 162

(29) 1988 c. 1

(30) Paragraphs 28, 29 and 30 were amended by paragraph 1 of Schedule 19 to S.R. 1994 No. 65

- (ii) in sub-paragraph (b) for “of that Act” there shall be substituted “of the Children and Young Persons Act (Northern Ireland) 1968(31)”;
- (c) in paragraph 29 for “a Health and Social Services Board, and HSS trust” there shall be substituted “an authority”; and
- (d) in paragraph 30 for the words from “a Health and Social Services Board” to the end there shall be substituted “an authority under Article 18, 35 or 36 of the Children Order (general duty of an authority to promote the welfare of children and powers to grant financial assistance to persons looked after or in, or formerly in, its care).”;
- (e) after paragraph 47B(32) there shall be inserted the following paragraph—
  - “47C. Any payment to a person under Article 15A(1) to (4) of the Personal Social Services (Direct Payments) (Northern Ireland) Order 1996(33) in respect of his securing personal social services, as defined in Article 2 of the Health and Personal Social Services (Northern Ireland) Order 1972(34)
- (9) In Schedule 3(35) (eligible housing costs)—
  - (a) in paragraph 1(p) for “for that purpose” there shall be substituted “in respect of payments eligible to be taken into account as housing costs by virtue of the other provisions of this Schedule”;
  - (b) in paragraph 3—
    - (i) after sub-paragraph (4) there shall be inserted the following sub-paragraph—
      - “(4A) Where—
        - (a) an absent parent or parent with care has obtained a loan which would constitute an eligible housing cost falling within paragraph 1(d) or (p); and
        - (b) a policy of insurance has been obtained and retained, the purpose of which is solely to secure the payment of monies due under that loan in the event of the unemployment, sickness or disability of the insured person,
 the amount of the premiums payable under that policy shall be eligible to be taken into account as a housing cost.”;
    - (ii) in sub-paragraph (5B)(36) after “a personal pension plan” there shall be inserted “derived from a personal pension scheme”;
  - (c) in paragraph 4—
    - (i) in sub-paragraph (1) for head (a) there shall be substituted the following head—
      - “(a) they are necessarily incurred for the purpose of purchasing, renting or otherwise securing possession of the home for the parent and his family, or for the purpose of carrying out repairs and improvements to that home;”;
    - (ii) after sub-paragraph (1) there shall be inserted the following sub-paragraph—
      - “(1A) For the purposes of sub-paragraph (1)(a) “repairs and improvements” shall have the meaning given in paragraph 2.”;
    - (iii) after sub-paragraph (2) there shall be added the following sub-paragraphs—

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(31) 1968 c. 34 (N.I.)

(32) Paragraph 47B was inserted by regulation 5(12)(d) of S.R. 1993 No. 164

(33) S.I. 1996/1923 (N.I. 19)

(34) S.I. 1972/1265 (N.I. 14)

(35) Paragraphs 1(p) and 3(4) were amended by regulation 9(16) of S.R. 1995 No. 162

(36) Sub-paragraph (5B) was inserted by regulation 9(16)(d) of S.R. 1995 No. 162



“(3) Subject to sub-paragraph (4), payments on a loan shall constitute an eligible housing cost only if that loan has been obtained for the purposes specified in sub-paragraph (1)(a).

(4) Where a loan has been obtained only partly for the purposes specified in sub-paragraph (1)(a), the eligible housing cost shall be limited to that part of the payment attributable to those purposes.”.

### **Amendment of the Child Support Appeal Tribunals (Procedure) Regulations**

4.—(1) The Child Support Appeal Tribunals (Procedure) Regulations (Northern Ireland) 1993<sup>(37)</sup> shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation) the definition of “appropriate office” shall be omitted.

(3) For regulation 2 (service of notices or documents) there shall be substituted the following regulation—

“2.—(1) Where by any provision of the Order or of these Regulations any notice or other document is required to be given or sent—

- (a) for the purpose only of lodging an appeal or application, to the Department; or
- (b) to the clerk to the tribunal,

that notice or document shall be treated as having been so given or sent on the day that it is received by the Department or by the clerk to the tribunal, as the case may be.

(2) Where by any provision of the Order or of these Regulations any notice or other document is required to be given or sent to any person other than—

- (a) for the purpose only of lodging an appeal or application, the Department; or
- (b) the clerk to the tribunal,

that notice or document shall, if sent by post to that person’s last known address, be treated as having been given or sent on the day that it was posted.

(3) The provisions of paragraph (2) shall apply to a summons issued under regulation 10.”.

(4) In regulation 3 (making an appeal or application and time limits)—

(a) in paragraph (2) for “clerk to the tribunal at the appropriate office” there shall be substituted “Department”;

(b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) The sending or delivering referred to in paragraph (2) shall be effected by sending or delivering the notice to the Child Support Agency Appeals Section at the Great Northern Tower, 17 Great Victoria Street, Belfast BT2 7AD.”.

### **Amendment of the Child Support Fees Regulations**

5. In regulation 3(3A) of the Child Support Fees Regulations (Northern Ireland) 1993<sup>(38)</sup> (liability to pay fees) for “1997” there shall be substituted “1999”.

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<sup>(37)</sup> S.R. 1993 No. 50; relevant amending regulations are S.R. 1995 No. 162 and S.R. 1996 No. 457

<sup>(38)</sup> S.R. 1993 No. 73; sub-paragraph (3A) was inserted by regulation 5(2)(b) of S.R. 1995 No. 162

### **Transitional provisions**

6.—(1) A maintenance assessment in force on 13th January 1997 shall not be reviewed solely to give effect to these Regulations, but the provisions of these Regulations shall be applied in conducting a review of such an assessment under Article 18, 19, 20 or 21 of the Child Support (Northern Ireland) Order 1991.

(2) Where the amount of child support maintenance fixed by any fresh assessment made following a review mentioned in paragraph (1) is affected by the provisions of these Regulations, the effective date of that assessment shall not be earlier than the first day of the first maintenance period which commences on or after 13th January 1997.

(3) The provisions of regulations 39A and 47A of the Maintenance Assessment Procedure Regulations<sup>(39)</sup> in force prior to 13th January 1997 shall continue to apply to a reduced benefit direction which at that date is suspended under the provisions of regulation 39A.

### **Revocations**

7. Regulations 39A (suspension of a reduced benefit direction where certain deductions are being made from income support) and 47A (notice of termination of suspension of a reduced benefit direction) of the Maintenance Assessment Procedure Regulations are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 19th December 1996.

L.S.

*John O'Neill*  
Assistant Secretary

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(39) Regulations 39A and 47A were inserted by regulation 3(24) and (25) respectively, of S.R. 1995 No. 475

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend various regulations made under the Child Support (Northern Ireland) Order 1991 (“the Order”).

Regulation 2 amends the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992 in the following respects:

- (a) paragraph (2) makes a drafting amendment to paragraph (6) of regulation 1;
- (b) paragraph (3) clarifies the provisions of paragraph (8) of regulation 8D;
- (c) paragraph (4) creates an exception to the provisions of regulation 19 where, following a review under Article 19, the child support officer determines that the case no longer falls within paragraph 5(4) of Schedule 1 to the Order;
- (d) paragraph (5) clarifies existing effective date provisions and makes provision for the effective date of a new maintenance assessment which relates to part only of the period after the maintenance enquiry form was sent and also for the effective date of an assessment made, subsequently, when all relevant information is available for the whole of the relevant period;
- (e) paragraph (6) makes amendments to regulation 49 which are consequential on the Children (Northern Ireland) Order 1995.

Regulation 3 amends the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 in the following respects:

- (a) paragraph (2) inserts new definitions and amends the definition of “personal pension scheme”, to reflect the definition now utilised by the Income Support (General) Regulations (Northern Ireland) 1987;
- (b) paragraph (3) inserts a new regulation 10A, which prescribes family credit and disability working allowance, with certain exceptions, for the purposes of paragraph 5(4) of Schedule 1 to the Order;
- (c) paragraph (4) provides for the disposable income figure prescribed in regulation 12(1)(b) to be reduced by the amount of any maintenance payable under certain maintenance orders;
- (d) paragraph (7) makes various amendments to Schedule 1;
- (e) paragraph (8)(d) amends Schedule 2, providing for payments made in lieu of community care services to be disregarded in calculating or estimating net income;
- (f) paragraph (9) makes various amendments to Schedule 3;
- (g) a number of other amendments are also made which are consequential on the Children (Northern Ireland) Order 1995 (paragraphs (5), (6) and (8)(a), (b), (c) and (d)).

Regulation 4 amends the Child Support Appeal Tribunals (Procedure) Regulations (Northern Ireland) 1993 to make provision for notice of appeal to be lodged with the Department of Health and Social Services at the Child Support Agency Appeals Section.

Regulation 5 amends the Child Support Fees Regulations (Northern Ireland) 1993, deferring the reintroduction of fees until April 1999.

Regulation 6 makes certain transitional provisions.

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

Regulation 7 revokes the provision made for suspension, in certain circumstances, of a reduced benefit direction.