

Status: Point in time view as at 01/01/2006.

Changes to legislation: Child Support, Pensions and Social Security Act (Northern Ireland) 2000, Section 26 is up to date with all changes known to be in force on or before 27 July 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)



2000 CHAPTER 4

PART I CHILD SUPPORT

Miscellaneous

Temporary compensation payment scheme

26.—(1) This section applies where—

- (a) a maintenance assessment is made before a prescribed date following an application for one under Article 7 or 9 of the Child Support Order; or
- (b) a fresh maintenance assessment has been made following either a periodic review under Article 18 of the Child Support Order or a review under Article 19 of that Order (as they had effect before their substitution by Article 40 or 41 respectively of the Social Security (Northern Ireland) Order 1998 (NI 10)) (in this Act referred to as the 1998 Order),

and the effective date of the assessment is earlier than the date on which the assessment was made, with the result that arrears of child support maintenance have become due under the assessment.

(2) The Department may by regulations provide for this section to have effect as if it were modified so as—

- (a) to apply to cases of arrears of child support maintenance having become due additional to those referred to in subsection (1);
- (b) not to apply to any such case as is referred to in subsection (1).

(3) If this section applies, the Department may in prescribed circumstances agree with the absent parent, on terms specified in the agreement, that—

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- (a) the absent parent shall not be required to pay the whole of the arrears, but only some lesser amount; and
 - (b) the Department shall not, while the agreement is complied with, take action to recover any of the arrears.
- (4) The terms which may be specified shall be prescribed by or determined in accordance with regulations made by the Department.
- (5) ^{F1} An agreement may be entered into only if it is made before 1st April 2002 and expires before 1st April 2003.
- (6) If the absent parent enters into such an agreement, the Department may, while the absent parent complies with it, refrain from taking action under the Child Support Order to recover the arrears.
- (7) On the expiry of the agreement, if the absent parent has complied with it—
- (a) he ceases to be liable to pay the arrears; and
 - (b) the Department may make payments of such amounts and at such times as it may determine to the person with care.
- (8) If the absent parent fails to comply with the agreement he shall become liable to pay the full amount of any outstanding arrears (as well as any other amount payable in accordance with the assessment).
- (9) The Department may by regulations provide for this section to have effect as if there were substituted for the dates in subsection (5) such later dates as shall be prescribed.
- (10) In this section, prescribed means prescribed by regulations made by the Department.
- (11) Regulations under subsection (9) shall be laid before the Assembly after being made and shall take effect on such date as may be specified in the regulations, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations have been approved by a resolution of the Assembly; but otherwise regulations under this section shall be subject to negative resolution.

F1 mod. by SR 2002/247

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