
STATUTORY INSTRUMENTS

1991 No. 2628

The Child Support (Northern Ireland) Order 1991

Miscellaneous and supplemental

[^{FIX1}Reduced benefit decisions

- 43.**—(1) This Article applies where any person (the parent)—
- (a) has made a request under Article 9(5);
 - (b) fails to comply with any regulation made under Article 9(7); or
 - (c) having been treated as having applied for a maintenance calculation under Article 9, refuses to take a scientific test (within the meaning of Article 27A).
- (2) The Department may serve written notice on the parent requiring that parent, before the end of a specified period—
- (a) in a paragraph (1)(a) case, to give the Department that parent's reasons for making the request;
 - (b) in a paragraph (1)(b) case, to give the Department that parent's reasons for failing to do so; or
 - (c) in a paragraph (1)(c) case, to give the Department that parent's reasons for the refusal.
- (3) When the specified period has expired, the Department shall consider whether, having regard to any reasons given by the parent, there are reasonable grounds for believing that—
- (a) in a paragraph (1)(a) case, if the Department were to do what is mentioned in Article 9(3);
 - (b) in a paragraph (1)(b) case, if that parent were to be required to comply; or
 - (c) in a paragraph (1)(c) case, if that parent took the scientific test,
- there would be a risk of that parent, or of any children living with that parent, suffering harm or undue distress as a result of the Department's taking such action, or that parent complying or taking the test.
- (4) If the Department considers that there are such reasonable grounds, it shall—
- (a) take no further action under this Article in relation to the request, the failure or the refusal in question; and
 - (b) notify the parent, in writing, accordingly.
- (5) If the Department considers that there are no such reasonable grounds, it may, except in prescribed circumstances, make a reduced benefit decision with respect to the parent.
- (6) In a paragraph (1)(a) case, the Department may from time to time serve written notice on the parent requiring that parent, before the end of a specified period—
- (a) to state whether the request under Article 9(5) still stands; and
 - (b) if so, to give the Department that parent's reasons for maintaining the request,
- and paragraphs (3) to (5) have effect in relation to such a notice and any response to it as they have effect in relation to a notice under paragraph (2)(a) and any response to it.
- (7) Where the Department makes a reduced benefit decision it shall send a copy of it to the parent.

Status: Prospective version(s) available.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Child Support (Northern Ireland) Order 1991*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (8) A reduced benefit decision shall take effect on such date as may be specified in the decision.
- (9) Reasons given in response to a notice under paragraph (2) or (6) need not be given in writing unless the Department directs in any case that they shall.
- (10) In this Article—
- comply means to comply with the requirement or with the regulation in question;
- reduced benefit decision means a decision that the amount payable by way of any relevant benefit to, or in respect of, the parent concerned be reduced by such amount, and for such period, as may be prescribed;
- relevant benefit means income support or an income-based jobseeker's allowance or any other benefit of a kind prescribed for the purposes of Article 9; and
- specified, in relation to a notice served under this Article, means specified in the notice; and the period to be specified is to be determined in accordance with regulations made by the Department.]

Editorial Information

- X1** This version shows the text of Article 43 after its substitution (22.11.2000 for certain purposes and 3.3.2003 for further certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 18, 68\(2\); S.R. 2000/358, art. 2\(b\), Sch. Pt. II; S.R. 2003/53, art. 4](#)
- F1** [Art. 43](#) substituted (22.11.2000 for certain purposes and 3.3.2003 for further certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 18, 68\(2\); S.R. 2000/358, art. 2\(b\), Sch. Pt. II; S.R. 2003/53, art. 4](#)

^{X2F2}Failure to comply with obligations imposed by Article 9 **N.I.**

- 43.—**(1) This Article applies where any person (“the parent”)—
- (a) fails to comply with a requirement imposed on the parent by the Department under Article 9(1); or
- (b) fails to comply with any regulation made under Article 9(9).
- (2) [^{F3}The Department] may serve written notice on the parent requiring the parent, before the end of the specified period, either to comply or to give [^{F4}the Department] reasons for failing to do so.
- (3) When the specified period has expired, [^{F5}the Department] shall consider whether, having regard to any reasons given by the parent, there are reasonable grounds for believing that, if the parent were to be required to comply, there would be a risk of the parent or of any children living with the parent suffering harm or undue distress as a result of complying.
- (4) If [^{F6}the Department] considers that there are such reasonable grounds, [^{F7}it] shall—
- (a) take no further action under this Article in relation to the failure in question; and
- (b) notify the parent, in writing, accordingly.
- (5) If [^{F6}the Department] considers that there are no such reasonable grounds, [^{F7}it] may [^{F8}, except in prescribed circumstances,] give a reduced benefit direction with respect to the parent.
- (6) Where [^{F6}the Department] gives a reduced benefit direction [^{F7}it] shall send a copy of it to the parent.
- [^{F9}(7) Schedule 4C shall have effect for applying Articles 18, 19, 22 and 28ZA to 28ZC to decisions with respect to reduced benefit directions.]

- (9) A reduced benefit direction shall take effect on such date as may be specified in the direction.
- (10) Reasons given in response to a notice under paragraph (2) may be given either in writing or orally.
- (11) In this Article—
- “comply” means to comply with the requirement or with the regulation in question;
- “reduced benefit direction” means a direction ^{F10} . . . that the amount payable by way of any relevant benefit to, or in respect of, the parent concerned be reduced by such amount, and for such period, as may be prescribed;
- “relevant benefit” means income support, [^{F11}an income-based jobseeker’s allowance]^{F12} . . . or any other benefit of a kind prescribed for the purposes of Article 9; and
- “specified”, in relation to any notice served under this Article, means specified in the notice; and the period to be specified shall be determined in accordance with regulations made by the Department.

Editorial Information

- X2** This version shows the text of Article 43 prior to its substitution (22.11.2000 for certain purposes and 3.3.2003 for further certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 18, 68\(2\); S.R. 2000/358, art. 2\(b\), Sch. Pt. II; S.R. 2003/53, art. 4](#)
- F2** prosp. in pt. subst. 2000 c. 4 (N.I.)
- F3** 1998 NI 10
- F4** 1998 NI 10
- F5** 1998 NI 10
- F6** 1998 NI 10
- F7** 1998 NI 10
- F8** 1995 NI 13
- F9** 1998 NI 10
- F10** 1998 NI 10
- F11** 1995 NI 15
- F12** 1999 c. 10

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- art. 43 power to amend conferred by 2008 c. 10 (N.I.) s. 40(1)
- art. 43 repealed by 2008 c. 10 (N.I.) s. 7(b)Sch. 5
- art. 43(10) words substituted by 2007 c. 2 (N.I.) Sch. 3 para. 2(5)
- art. 43(11) words inserted by 2007 c. 2 (N.I.) Sch. 3 para. 2(6)
- art. 43(11) words repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order applied by S.R. 2014/191 reg. 7(1)
- Order applied in part (with modifications) by S.R. 2010/312 reg. 16Sch. 2
- Order power to apply (with modifications) conferred by 2008 c. 10 (N.I.) s. 3(4)
- Order transfer of functions by S.I. 2010/976 Sch. 17 para. 42
- Order words substituted by 2009 c. 1 (N.I.) Sch. 6 para. 1(1)(a)
- Order words substituted by 2009 c. 1 (N.I.) Sch. 6 para. 1(1)(b)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 9(1) Sch. 1 para. 9 renumbered as Sch. 1 para. 9(1) by 2008 c. 10 (N.I.) Sch. 1 para. 8(1)
- Sch. 1 para. 9(2) added by 2008 c. 10 (N.I.) Sch. 1 para. 8(4)
- Sch. 1 para. 5A and cross-heading inserted by 2008 c. 10 (N.I.) Sch. 1 para. 5(2)
- Sch. 1 para. 9(1)(ba) inserted by 2008 c. 10 (N.I.) Sch. 1 para. 8(3)
- Sch. 1 para. 9(1)(za) inserted by 2008 c. 10 (N.I.) Sch. 1 para. 8(2)
- Sch. 1 para. 5A(2) modified by S.R. 2012/428 reg. 3
- Sch. 1 para. 5A(2) modified by S.R. 2013/190 reg. 2
- Sch. 1 Pt. 1 words substituted by 2008 c. 10 (N.I.) Sch. 1 para. 2
- Sch. 1 Pt. 1 para. 10C(5A) omitted by S.I. 2019/1514 reg. 64(5)(b)
- Sch. 1 Pt. 1 para. 10C(5) substituted for Sch. 1 Pt. 1 para. 10C(5)(6) by S.I. 2019/1514 reg. 64(4)
- Sch. 1 Pt. 1 para. 6(5)(b)(i)(ii) substituted for Sch. 1 Pt. 1 para. 6(5)(b)(i)-(iii) by S.I. 2019/1514 reg. 64(5)(a)
- Sch. 1 Pt. 1 para. 5(4) words inserted by 2007 c. 2 (N.I.) Sch. 3 para. 2(8)
- art. 2(3) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(3)
- art. 4(4)(ba) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 16
- art. 7(2A) inserted by S.I. 2015/2006 (N.I.) art. 127(2)(b)
- art. 7(3A)-(3C) inserted by 2023 c. 24 s. 4(2)(a)
- art. 7(4)(d) and word inserted by 2023 c. 24 s. 4(2)(b)(ii)
- art. 11(2A) inserted by S.I. 2015/2006 (N.I.) art. 126(1)
- art. 11(6)(a)(b) and word repealed by 2008 c. 10 (N.I.) Sch. 5
- art. 11A inserted by S.I. 2015/2006 (N.I.) art. 128
- art. 16A(3A) inserted by 2008 c. 10 (N.I.) s. 27(1)
- art. 16A(3A) substituted by 2010 c. 13 (N.I.) s. 32(2)
- art. 16A(6) added by 2010 c. 13 (N.I.) s. 32(3)
- art. 19(1)(c) repealed by 2008 c. 10 (N.I.) Sch. 5

- art. 22(1)(ba) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(5)
- art. 22(2)(aa) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(6)
- art. 22(2A)-(2C) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 2
- art. 22(3A)-(3C) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 3
- art. 22(5A) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(7)
- art. 22(7A) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(8)
- art. 27(2)(b) words substituted by S.I. 2019/1514 reg. 64(2)
- art. 27(2)(b) words substituted by S.I. 2019/1514 reg. 64(2)
- art. 28D(2A)(2B) inserted by 2008 c. 10 (N.I.) s. 10(2)
- art. 28F(4)(a) words repealed by 2008 c. 10 (N.I.) Sch. 5
- art. 29(3)(c)(ca) substituted for art. 29(3)(c) by 2010 c. 13 (N.I.) s. 31(2)
- art. 29(3A) inserted by 2010 c. 13 (N.I.) s. 31(3)
- art. 29(4)-(7) added by 2008 c. 10 (N.I.) s. 12
- art. 29(4)-(7) excluded by S.R. 2016/390 reg. 6(1)
- art. 31(8)(9) substituted for art. 31(8) by 2008 c. 10 (N.I.) s. 13
- art. 32A-32D inserted by 2008 c. 10 (N.I.) s. 14
- art. 32E-32K inserted by 2008 c. 10 (N.I.) s. 15
- art. 32G(1) restricted by SR 1992/390 reg. 25N (as inserted) by S.R. 2009/286 reg. 2
- art. 32H(2)(b) restricted by SR 1992/390 reg. 25N (as inserted) by S.R. 2009/286 reg. 2
- art. 32L inserted by 2008 c. 10 (N.I.) s. 16
- art. 32L(5) words inserted by S.I. 2019/1514 reg. 64(3)
- art. 32M32N inserted by 2008 c. 10 (N.I.) s. 17
- art. 36B-36F inserted by 2008 c. 10 (N.I.) s. 18
- art. 36G-36O inserted by 2008 c. 10 (N.I.) s. 19
- art. 37(2A)-(2C) inserted by 2008 c. 10 (N.I.) s. 20(1)
- art. 37(10)-(10C) substituted for art. 37(10) by 2008 c. 10 (N.I.) s. 20(2)
- art. 37(12) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(14)
- art. 37A(A1)-(A4)(1) substituted for art. 37A(1) by 2008 c. 10 (N.I.) s. 21(1)
- art. 37A(10)-(10C) substituted for art. 37A(10) by 2008 c. 10 (N.I.) s. 21(2)
- art. 37A(12) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(17)
- art. 38A(5)(c)(d) repealed by 2008 c. 10 (N.I.) Sch. 4 para. 1(29)(a)
- art. 38C inserted by 2008 c. 10 (N.I.) s. 22
- art. 38D inserted by 2008 c. 10 (N.I.) s. 23
- art. 38E inserted by 2008 c. 10 (N.I.) s. 24
- art. 39(2)(g) added by 2008 c. 10 (N.I.) s. 28
- art. 40A inserted by 2008 c. 10 (N.I.) s. 29
- art. 41(4)(5) inserted by S.I. 2011/1484 Sch. 7 para. 22
- art. 41(4) omitted by S.I. 2019/519 Sch. para. 20(a)
- art. 41(5) omitted by S.I. 2019/519 Sch. para. 20(b)
- art. 45A inserted by 2008 c. 10 (N.I.) s. 25
- art. 45B45C inserted by 2008 c. 10 (N.I.) s. 30
- art. 45D inserted by 2008 c. 10 (N.I.) s. 31
- art. 46(1A)-(1C) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(19)
- art. 47A inserted by 2008 c. 10 (N.I.) s. 32
- art. 47A(6) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 4
- art. 48(2B) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(22)