

1993 No. 191

FAMILY LAW

CHILD SUPPORT

**The Child Support (Maintenance Assessments and
Special Cases) (Amendment) Regulations
(Northern Ireland) 1993**

Made 14th April 1993

Coming into operation 26th April 1993

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 47(1) of the Child Support (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Child Support (Maintenance Assessments and Special Cases) (Amendment) Regulations (Northern Ireland) 1993 and shall come into operation on 26th April 1993.

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

2.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(b) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 28 (amount payable where absent parent is in receipt of income support or other prescribed benefit) for paragraph (3) there shall be substituted the following paragraph—

“(3) Subject to paragraph (4), where—

(a) an absent parent is liable under Article 40 of the Order and this regulation to make payments in place of payments of child support maintenance with respect to two or more qualifying children in relation to whom there is more than one parent with care; or

(b) that absent parent and his partner (within the meaning of regulation 2(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(c) are both liable to make such payments,

(a) S.I. 1991/2628 (N.I. 23)

(b) S.R. No. 341; relevant amending regulations are S.R. 1993 No. 164

(c) S.R. 1987 No. 465, to which there are amendments not relevant to these regulations

the prescribed amount mentioned in paragraph (2) shall be apportioned between the persons with care in the same ratio as the maintenance requirements of the qualifying child or children in relation to each of those persons with care bear to each other.”.

(3) In Schedule 5—

(a) for paragraph 1 there shall be substituted the following paragraph—

“1. In this Schedule—

(a) “relevant decision” means a decision of a child support officer given under Article 40 of the Order (contribution to maintenance by deduction from benefit) and regulation 28; and

(b) “relevant person” has the same meaning as in regulation 1(2) of the Maintenance Assessment Procedure Regulations.”;

(b) in paragraph 4(1)(a) “(within the meaning of regulation 1(2) of the Maintenance Assessment Procedure Regulations)” shall be omitted;

(c) in paragraph 5(b) for “that paragraph” there shall be substituted “paragraph 6”; and

(d) after paragraph 7 there shall be inserted the following paragraph—

“7A. If, on a review under paragraph 2, 3 or 6, the relevant decision is revised (“the revised decision”) the revised decision shall have effect—

(a) if the revised decision is that no payments such as are mentioned in Article 40 of the Order are to be made, from the date on which the event giving rise to the review occurred; or

(b) if the revised decision is that such payments are to be made, from the date on which the revised decision is given.”.

Sealed with the Official Seal of the Department of Health and Social Services on 14th April 1993.

(L.S.)

A. Devlin

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 in relation to the way in which payments in place of payments of child support maintenance under Article 40 of the Child Support (Northern Ireland) Order 1991 are to be apportioned in cases where there is more than one person with care. Provision is also made for the date when a decision given on review of a decision relating to such payments is to have effect.