
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 541

The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996

Part II

Procedure on an Application for a Departure Direction and Preliminary Consideration

Application for a departure direction

4.—(1) Every application shall be made in writing on a form (a “departure direction application form”) provided by the Department, or in such other manner, being in writing, as the Department may accept as sufficient in the circumstances of any particular case.

(2) Departure direction application forms shall be supplied without charge by such persons as the Department authorises for that purpose.

(3) Every application shall be given or sent to the Department or to such persons as it may authorise for that purpose.

(4) Where an application is defective at the date when it is received, or has been made in writing but not on the departure direction application form provided by the Department, the Department may refer that application to the person who made it or, as the case may be, supply him with a departure direction application form.

(5) In a case to which paragraph (4) applies, if the departure direction application form is received by the Department properly completed—

- (a) within the specified period, it shall treat the application as if it had been duly made in the first instance;
- (b) outside the specified period, unless it is satisfied that the delay has been unavoidable, it shall treat the application as a fresh application made on the date upon which the properly completed departure direction application form was received.

(6) An application which is made on a departure direction application form is, for the purposes of paragraph (5), properly completed if completed in accordance with the instructions on the form and defective if not so completed.

(7) In a case to which paragraph (4) applies, the specified period for the purposes of paragraph (5) shall be the period of 14 days commencing with the date upon which, in accordance with paragraph (4), the application is referred to the person who made the defective application or a departure direction application form is given or sent to the person who made a written application but not on a departure direction application form.

(8) For the purposes of paragraph (7), the provisions of regulation 2 shall apply to an application referred to in paragraph (4).

(9) A person applying for a departure direction may authorise a representative, whether or not legally qualified, to receive notices and other documents on his behalf, and to act on his behalf in relation to an application.

(10) Where a person has, under paragraph (9), authorised a representative who is not legally qualified, he shall confirm that authorisation in writing, or as otherwise required, to the Department, unless such authorisation has already been approved by the Department under regulation 51 of the Maintenance Assessment Procedure Regulations (authorisation of representative).

(11) This paragraph applies where a departure direction has effect, and a later application by the applicant in response to whose application that direction was given is made on grounds which are—

- (a) additional to the grounds in respect of which the earlier direction was given;
- (b) not additional to the grounds in respect of which the earlier direction was given but there has been a change of circumstances in respect of one or more but not all of those grounds.

(12) Where—

- (a) paragraph (11)(a) applies, the later application may be treated as an application in respect of which the earlier direction was given;
- (b) paragraph (11)(b) applies, the later application may be treated as an application in respect of which the earlier direction was given in relation to which there have been no changes of circumstances.

(13) Where a departure direction has effect and the Department is satisfied that a ground in respect of which the application for that direction was made no longer applies, it shall treat the applicant for that direction as having applied for a later direction in respect of the grounds which remain applicable.

(14) Regulation 8(1) shall apply to cases to which paragraph (11) applies but only in relation to the additional grounds or, as the case may be, those in relation to which there has been stated to be a change of circumstances and shall not apply to cases to which paragraph (13) applies.