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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 17**

**The Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001**

**Part VII**

**Effective Dates of Maintenance Calculations**

**Effective dates of maintenance calculations**

**24.**—(1) Subject to regulations 25 to 28, where no maintenance calculation is in force with respect to the person with care or the non-resident parent, the effective date of a maintenance calculation following an application made under Article 7 of the Order<sup>(1)</sup>, or treated as made under Article 9(3) of the Order<sup>(2)</sup>, as the case may be, shall be the date determined in accordance with paragraphs (2) to (4).

(2) Where the application for a maintenance calculation is made under Article 7 of the Order by a non-resident parent, the effective date of the maintenance calculation shall be the date that an effective application is made or treated as made under regulation 3.

(3) Where the application for a maintenance calculation is—

- (a) made under Article 7 of the Order by a person with care; or
- (b) treated as made under Article 9(3) of the Order,

the effective date of the maintenance calculation shall be the date of notification to the non-resident parent.

(4) For the purposes of this regulation, where the Department is satisfied that a non-resident parent has intentionally avoided receipt of a notice of a maintenance application it may determine the date of notification to the non-resident parent as the date on which the notification would have been given to him but for such avoidance.

(5) Where in relation to a decision made under Article 13 of the Order a maintenance calculation is made to which paragraph 15 of Schedule 1 to the Order<sup>(3)</sup> applies, the effective date of the calculation shall be the beginning of the maintenance period in which the change of circumstance to which the calculation relates occurred or is expected to occur.

**Effective dates of maintenance calculations — maintenance order and application under Article 7**

**25.**—(1) This regulation applies, subject to regulation 27, where—

- (a) no maintenance calculation is in force with respect to the person with care or the non-resident parent;

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(1) Article 7 was amended by Article 12(1) of the Child Support (Northern Ireland) Order 1995 and section 2 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000  
(2) Article 9 is substituted by section 3 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000  
(3) Paragraph 15 was amended by paragraph 32(4) of Schedule 6 to the Social Security (Northern Ireland) Order 1998

- (b) an application for a maintenance calculation is made under Article 7 of the Order; and
- (c) there is a maintenance order in force, made on or after the date prescribed for the purposes of Article 7(10)(a) of the Order<sup>(4)</sup>, in relation to the person with care and the non-resident parent and that order has been in force for at least one year prior to the date the application for a maintenance calculation is made.

(2) The effective date of the maintenance calculation shall be 2 months and 2 days after the application is made.

#### **Effective dates of maintenance calculations — maintenance order and application under Article 9**

26.—(1) This regulation applies, subject to regulation 27, where—

- (a) the circumstances set out in regulation 25(1)(a) apply;
- (b) an application for a maintenance calculation is treated as made under Article 9(3) of the Order; and
- (c) there is a maintenance order in force in relation to the person with care and the non-resident parent.

(2) The effective date of the maintenance calculation shall be 2 days after the maintenance calculation is made.

#### **Effective dates of maintenance calculations — maintenance order ceases**

27. Where—

- (a) a maintenance calculation is made; and
- (b) there was a maintenance order in force in relation to the person with care and the non-resident parent which ceased to have effect after the date on which the application for the maintenance calculation was made but before the effective date provided for in regulation 24 or 25 as the case may be,

the effective date of the maintenance calculation shall be the day following that on which the maintenance order ceased to have effect.

#### **Effective dates of maintenance calculations in specified cases**

28. Where an application for a maintenance calculation is made under Article 7 of the Order, or treated as made under Article 9(3) of the Order—

- (a) except where the parent with care has made a request under Article 9(5) of the Order, where in the period of 8 weeks immediately preceding the date the application is made, or treated as made under regulation 3, there has been in force a maintenance calculation in respect of the same non-resident parent and child but a different person with care, the effective date of the maintenance calculation made in respect of the application shall be the day following the day on which the previous maintenance calculation ceased to have effect;
- (b) where a maintenance calculation (“the existing calculation”) is in force with respect to the person who is the person with care in relation to the application but who is the non-resident parent in relation to the existing calculation, the effective date of the calculation shall be a date not later than 7 days after the date of notification to the non-resident parent which is the day on which a maintenance period in respect of the existing calculation begins.

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(4) Paragraph (10) was inserted by Article 12(1) of the Child Support (Northern Ireland) Order 1995 and sub-paragraph (a) is amended by section 2(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

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

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