
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 18

The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001

Part IV

Revocation and Savings

Revocation and savings

15.—(1) Subject to paragraphs (2) to (4), the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992⁽¹⁾ (“the 1992 Regulations”) shall be revoked with respect to a particular case with effect from the date that these Regulations come into operation with respect to that type of case (“the commencement date”).

(2) Where before the commencement date in respect of a particular case—

- (a) an application was made and not determined for—
 - (i) a maintenance assessment;
 - (ii) a departure direction, or
 - (iii) a revision or supersession of a decision;
- (b) the Department had begun but not completed a revision or supersession of a decision on its own initiative;
- (c) any time limit provided for in Regulations for making an application for a revision or a departure direction had not expired; or
- (d) any appeal was made but not decided or any time limit for making an appeal had not expired,

the provisions of the 1992 Regulations shall continue to apply for the purposes of—

- (aa) the decision on the application referred to in sub-paragraph (a);
- (bb) the revision or supersession referred to in sub-paragraph (b);
- (cc) the ability to apply for the revision or the departure direction referred to in sub-paragraph (c) and the decision whether to revise or to give a departure direction following any such application;
- (dd) the appeal outstanding or made during the time limit referred to in sub-paragraph (d); or
- (ee) the revision, supersession, appeal or application for a departure direction in relation to a decision, ability to apply or appeal referred to in sub-paragraphs (aa) to (dd).

(3) Where immediately before the commencement date in respect of a particular case an interim maintenance assessment was in force, the provisions of the 1992 Regulations shall continue to apply for the purposes of the decision under Article 19 of the Order⁽²⁾ to make a maintenance assessment

(1) S.R. 1992 No. 341

(2) Article 19 was substituted by Article 41 of the Social Security (Northern Ireland) Order 1998

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calculated in accordance with Part I of Schedule 1 to the Order before its amendment by the Act and any revision, supersession or appeal in relation to that decision.

(4) Where under regulation 28(1) of the Child Support (Transitional Provisions) Regulations (Northern Ireland) 2001⁽³⁾ an application for a maintenance calculation is treated as an application for a maintenance assessment, the provisions of the 1992 Regulations shall continue to apply for the purposes of the determination of the application and any revision, supersession or appeal in relation to any such assessment made.

(5) Where after the commencement date a maintenance assessment is revised from a date which is prior to the commencement date the 1992 Regulations shall apply for the purposes of that revision.

(6) For the purposes of this regulation—

- (a) “departure direction”, “maintenance assessment” and “interim maintenance assessment” have the same meaning as in Article 2(2) of the Order⁽⁴⁾ before its amendment by the Act; and
- (b) “revision or supersession” means a revision or supersession of a decision under Article 18 or 19 of the Order⁽⁵⁾ before their amendment by the Act.

(3) [S.R. 2001 No. 19](#)

(4) The definition of “departure direction” was inserted by paragraph 2 of Schedule 3 to the Child Support (Northern Ireland) Order 1995

(5) Article 18 was substituted by Article 40 of the Social Security (Northern Ireland) Order 1998