
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 20

The Child Support (Variations)
Regulations (Northern Ireland) 2001

Part IX

Revocation

Revocation and savings

33.—(1) Subject to paragraph (2), the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996⁽¹⁾ (“the Departure Direction 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 Departure Direction 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) any appeal outstanding or made during the time limit referred to in sub-paragraph (d); or

(ee) any revision, supersession or 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, after the commencement date, a decision with respect to a departure direction is revised from a date which is prior to the commencement date, the provisions of the Departure Direction Regulations shall continue to apply for the purposes of that revision.

(4) Where, under regulation 28(1) of the Transitional Regulations, an application for a maintenance calculation is treated as an application for a maintenance assessment, the provisions of the Departure Direction Regulations shall continue to apply for the purposes of an application for a departure direction in relation to any such assessment made.

(5) For the purposes of this regulation—

- (a) “departure direction” and “maintenance assessment” have the same meaning as in Article 2(2) of the Order⁽²⁾ before its amendment by the Act;
- (b) “revision or supersession” means a revision or supersession of a decision under Article 18 or 19 of the Order before its amendment by the Act and “any time limit for making an application for a revision” means any time limit provided for in Regulations made under Article 18 of the Order;
- (c) “the Act” means the Child Support, Pensions and Social Security Act (Northern Ireland) 2000⁽³⁾.

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

(3) 2000 c. 4 (N.I.)