

2002 No. 121

FAMILY LAW

CHILD SUPPORT

**The Child Support (Great Britain Reciprocal Arrangements)
(Amendment) Regulations (Northern Ireland) 2002**

Made 25th March 2002

Coming into operation 16th April 2002

The Department for Social Development, being the Northern Ireland Department having responsibility for social security, in exercise of the powers conferred upon it by section 87(5) and (10) of the Northern Ireland Act 1998(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Great Britain Reciprocal Arrangements) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 16th April 2002.

(2) The Interpretation Act (Northern Ireland) 1954 shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Child Support (Great Britain Reciprocal Arrangements) Regulations

2.—(1) The Child Support (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1993(b) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (adaptation)—

(a) in paragraph (1), for “Exchange of Letters set out in Schedule 1A” there shall be substituted “Exchange of Letters set out in Schedules 1A and 1B”;

(b) in paragraph (2)—

(i) after “column 2 of Schedule 2” there shall be inserted “or column 2 of Schedule 3”;

(ii) for the words from “of the Child Support (Northern Ireland) Order 1991” to “column 1 of Schedule 2” where it first appears there shall be substituted “of the Northern Ireland legislation specified

(a) 1998 c. 47

(b) S.R. 1993 No. 117; relevant amending regulations are S.R. 1995 No. 475

in the corresponding paragraph of column 1 of Schedule 2 and column 1 of Schedule 3”;

(iii) sub-paragraph (c) shall be omitted.

(3) After Schedule 1A (exchange of letters) there shall be inserted, as Schedule 1B, the Schedule set out in Schedule 1 to these Regulations.

(4) In Schedule 2 (adaptation)—

(a) after the entry relating to Article 12 there shall be inserted the following entry—

“Article 16A Section 14A Information offences”;

(b) the entry relating to Article 28 shall be omitted.

(5) After Schedule 2 there shall be inserted, as Schedule 3, the Schedule set out in Schedule 2 to these Regulations.

Sealed with the Official Seal of the Department for Social Development on 25th March 2002.

(L.S.)

John O’Neill

Senior Officer of the Department for Social Development

SCHEDULE TO BE INSERTED INTO THE CHILD SUPPORT (GREAT
BRITAIN RECIPROCAL ARRANGEMENTS) REGULATIONS (NORTHERN
IRELAND) 1993 AS SCHEDULE 1B TO THOSE REGULATIONS

**Exchange of letters amending the Memorandum of Arrangements relating to
the provision made for Child Support maintenance in the United Kingdom**

No. 1

THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR WORK AND PENSIONS,
WITH THE CONSENT OF THE TREASURY, TO THE MINISTER FOR
SOCIAL DEVELOPMENT

11th March 2002

Sir,

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance between the Secretary of State for Social Security of the one part and the Department of Health and Social Services for Northern Ireland of the other part which came into effect on 5th April 1993, as amended in accordance with the Exchange of Letters from the Secretary of State for Social Security to the Department of Health and Social Services for Northern Ireland of 7th November 1995 and from the Department of Health and Social Services for Northern Ireland to the Secretary of State for Social Security of 8th November 1995 (which Memorandum in its amended form is referred to in this letter as “the Principal Memorandum”). I refer also to recent discussion between the Department for Work and Pensions and the Department for Social Development concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour, with the consent of the Treasury, to propose the following amendments to the Principal Memorandum:

In Article 1—

(a) after the definition of “the Act” there shall be inserted the following definition—

“ “the 2000 Act” means the Child Support, Pensions and Social Security Act 2000(a);”;

(b) after the definition of “application” there shall be inserted the following definition—

“ “the Department” means the Department for Social Development;” and

(c) for the definition of “determining authority” there shall be substituted the following definition—

““determining authority” means, in relation to Great Britain, the Secretary of State, an appeal tribunal or a Commissioner, and, in relation to Northern Ireland, the Department, an appeal tribunal or a Commissioner;”.

After Article 1 there shall be inserted—

“**1A.**—(1) In these arrangements—

- (a) references to a maintenance assessment shall, in relevant cases, include references to a maintenance calculation;
- (b) references to an absent parent shall, in relevant cases, include references to a non-resident parent; and
- (c) references to cases where an application for a maintenance assessment is made shall, in relevant cases, include references to cases where an application for a maintenance calculation is treated as having been made.

(2) In this Article, “relevant cases” means cases for the purposes of which section 1 of the 2000 Act has come into force or cases for the purposes of which section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(a) has come into operation.”.

Article 3 shall be amended as follows—

- (a) in paragraph (1), for the word “12”, there shall be substituted the word “12A”;
- and
- (b) in paragraph (2), after the word “decision” there shall be inserted the word “, determination”.

Article 7(1) shall be amended as follows—

- (a) for the words “, the Department, or a child support officer appointed under the provision made for Great Britain or for Northern Ireland,” there shall be substituted the words “or the Department”; and
- (b) for the words “, the Department or the child support officer for the other territory” there shall be substituted the words “or the Department”.

Article 12A shall be amended as follows—

- (a) in paragraph (a), for the words “Article 28 of the Order” there shall be substituted the words “Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(b)”;
- (b) in paragraph (b), for the words “section 27 of the Act” there shall be substituted the words “section 55A of the Family Law Act 1986(c)”;
- and
- (c) in paragraphs (b) and (c), the words “of Health and Social Services” shall be omitted on each occasion where they occur.

If the foregoing proposals are acceptable to you, I have the honour to propose that this letter and your reply to that effect shall constitute a Memorandum of Arrangements between us which shall come into effect on 16th April 2002.

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

(b) S.I. 1989/677 (N.I. 4); Article 31B is inserted by section 66(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

(c) 1986 c. 55; section 55A was inserted by section 83 of the Child Support, Pensions and Social Security Act 2000 (c. 19)

Signed by authority of the Secretary of State for Work and Pensions

P. Hollis
Parliamentary Under-Secretary of State,
Department for Work and Pensions.

We consent 19th March 2002.

Anne McGuire
John Heppell
Two of the Lords Commissioners of Her
Majesty's Treasury.

No. 2

THE MINISTER FOR SOCIAL DEVELOPMENT, WITH THE CONSENT OF THE
DEPARTMENT OF FINANCE AND PERSONNEL, TO THE PARLIAMENTARY UNDER-
SECRETARY OF STATE FOR WORK AND PENSIONS

14th March 2002

Madam,

I refer to your letter of 11th March 2002 which reads as follows:

[The letter here sets out the text of No. 1]

I have the honour to confirm, with the consent of the Department of Finance and Personnel, that the foregoing proposals are acceptable to the Minister for Social Development, and agree that your letter and this reply shall constitute a Memorandum of Arrangements between us which shall come into effect on 16th April 2002.

Sealed with the Official Seal of the Department for Social Development on 14th March 2002.

Nigel Dodds
Minister for Social Development

The Department of Finance and Personnel hereby consents.

Sealed with the Official Seal of the Department of Finance and Personnel on 19th March 2002.

N. Taylor
Senior Officer of the Department of Finance
and Personnel".

SCHEDULE 2

Regulation 2(5)

SCHEDULE TO BE INSERTED INTO THE CHILD SUPPORT (GREAT
BRITAIN RECIPROCAL ARRANGEMENTS) REGULATIONS (NORTHERN
IRELAND) 1993 AS SCHEDULE 3 TO THOSE REGULATIONS

“SCHEDULE 3

Regulation 2(2)

**Adaptation of the Matrimonial and Family Proceedings (Northern Ireland)
Order 1989 for the purposes of the Child Support (Northern Ireland)
Order 1991**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Provision of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989	Provision of the Child Support Act 1991(a) (“the 1991 Act”) or the Family Law Act 1986 (“the 1986 Act”)	Subject matter
Article 31B	section 28 of the 1991 Act	Application for declaration of parentage for the purposes of the Child Support (Northern Ireland) Order 1991(b)
Article 31B	section 55A of the 1986 Act	Application for declaration of parentage for the purposes of the Child Support (Northern Ireland) Order 1991.”.

(a) 1991 c. 48
(b) S.I. 1991/2628 (N.I. 23)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give effect in Northern Ireland to amendments made to reciprocal arrangements relating to matters for which provision is made by the Child Support (Northern Ireland) Order 1991 (“the Order”) and, in Great Britain, by the Child Support Act 1991 (“the 1991 Act”). The amendments to the arrangements are largely consequential upon amendments to the Order made by the Social Security (Northern Ireland) Order 1998 (“the 1998 Order”) and the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (“the 2000 Act”), and upon amendments to the 1991 Act made by the Social Security Act 1998 (“the 1998 Act”) and the Child Support, Pensions and Social Security Act 2000 (“the Great Britain Act”). They make provision for changes in terminology introduced by the 1998 Order, the 1998 Act, the 2000 Act and the Great Britain Act and update certain legislative references.

The amendments are contained in the Exchange of Letters between the Parliamentary Under-Secretary of State for Work and Pensions and the Minister for Social Development set out in Schedule 1 to the Regulations.

The Regulations come into operation on 16th April 2002, but the changes to terminology consequent upon the amendments made by the 2000 Act and the Great Britain Act will take effect at different times for different cases according to the dates on which section 1 of each of those Acts is commenced for different types of cases.

These Regulations do not impose any costs on business.

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