
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 409

The Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2008

Amendment of the Child Support (Collection and Enforcement) Regulations

3.—(1) The Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992⁽¹⁾ are amended as follows.

(2) In regulation 3 (method of payment)—

(a) in paragraph (1)—

(i) omit sub-paragraph (h)⁽²⁾, and

(ii) after sub-paragraph (h), add—

“(i) by deduction from earnings order.”;

(b) in paragraph (1A)⁽³⁾, omit sub-paragraph (c); and

(c) after paragraph (2), add—

“(3) Where the Department is considering specifying a deduction from earnings order by virtue of paragraph (1)(i), that method of payment is not to be used in any case where there is good reason not to use it.

(4) For the purposes of paragraph (3) the matters which are to be taken into account in determining whether there is good reason not to use that method of payment are whether the making of a deduction from earnings order is likely to result in the disclosure of the parentage of a child and the impact of that disclosure on—

(a) the liable person’s employment;

(b) any relationship between the liable person and a third party.

(5) For the purposes of paragraph (3) the circumstances in which good reason not to use that method of payment is to be regarded as existing are—

(a) a member of the liable person’s or parent with care’s family is employed by the same relevant employer as the liable person;

(b) that family member’s employment requires knowledge of the relevant employer’s functions in giving effect to the deduction from earnings order; and

(c) as a consequence of these circumstances the liable person’s employment status or family relationships may be adversely affected by the use of a deduction from earnings order as a method of payment.

(6) For the purposes of paragraph (3) the matters which are not to be taken into account in determining whether there is good reason not to use that method of payment are—

⁽¹⁾ S.R. 1992 No.390; relevant amending rules are S.R. 1995 No. 162, S.R. 1996 No. 317, S.R. 1999 No. 246 (C. 20), S.R. 2001 No. 15, S.R. 2006 No. 273 and S.R. 2007 No. 347

⁽²⁾ Paragraph (h) was inserted by regulation 3(2)(a) of S.R. 2006 No. 273

⁽³⁾ Paragraph 1A was inserted by regulation 3(4)(b) of S.R. 2001 No. 15 and is substituted by regulation 3(2)(b) of S.R. 2006 No. 273

- (a) the liable person’s preference for a different method of payment;
- (b) the liable person’s preference for a relevant employer not to be informed about that parent’s maintenance liability;
- (c) that a third party would become aware of the liable person’s maintenance liability,

unless they are relevant to any matter falling within paragraph (4) or circumstance falling within paragraph (5).

(7) Where the Department is considering specifying the method of payment set out in paragraph (1)(i) and decides that there is no good reason not to use it, that method is not to be specified until—

- (a) the time within which an appeal against that decision may ordinarily be brought (including any period during which a further appeal may ordinarily be brought) has ended; or
- (b) if an appeal is brought on the grounds set out in regulation 22(3A), the time at which proceedings on the appeal (including any proceedings on a further appeal) have been concluded.

(8) Nothing in this regulation is to prevent the Department exercising its powers under Article 31 of the Order to make a deduction from earnings order where the Department considers it is appropriate in the circumstances of the case, unless it has specified a deduction from earnings order as a method of payment by virtue of paragraph (1)(i).

(9) In this regulation—

“couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;

“family” means partner, parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, grand-parent, grand-child, uncle, aunt, nephew, niece, or if any of the preceding persons is one member of a couple, the other member of that couple;

“partner” means where a person is a member of a couple, the other member of that couple; and

“relevant employer” means the employer of a liable person in respect of whom the order under Article 31 of the Order would be made but for paragraph (3).”

^{F1}(3)

(4) In regulation 22(4) (appeals against deduction from earnings orders)—

(4) Regulation 22 was amended by regulation 4(2) of [S.R. 2007 No. 347](#)

- (a) at the beginning of paragraph (2), insert “Subject to paragraph (2A),”;
- (b) after paragraph (2), insert—
 - “(2A) Any appeal against a decision of the Department that the exclusion required by regulation 3(3) does not apply is—
 - (a) where the liable person is resident in the United Kingdom, to be made within 28 days of the date on which that decision is given or sent to the liable person;
 - (b) where the liable person is not resident in the United Kingdom, to be made within 56 days of the date on which that decision is given or sent to the liable person.”;
- (c) at the beginning of paragraph (3), insert “Subject to paragraph (3A),”;
- (d) after paragraph (3), insert—
 - “(3A) Where the Department is considering specifying a deduction from earnings order as a method of payment under regulation 3(1)(i), an appeal may also be made against a decision of the Department that the exclusion required by regulation 3(3) does not apply.”;
- (e) at the beginning of paragraph (4), insert “Subject to paragraph (5),”;
- (f) after paragraph (4), add—
 - “(5) Where an appeal is brought on the grounds set out in paragraph (3A), and the court is satisfied that the appeal should be allowed, the court is to refer the case to the Department for it to specify whichever of the methods of payment set out in regulation 3(1) it considers to be appropriate in the circumstances.”.

Textual Amendments

- F1** [Reg. 3\(3\)](#) revoked (10.12.2012 for specified purposes) by [The Child Support \(Meaning of Child and New Calculation Rules\) \(Consequential and Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/438\)](#), regs. 1(1)(c), 9(2), **Sch.**

Commencement Information

- II** [Reg. 3](#) in operation at 27.10.2008, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2008, Section 3.