

## SCHEDULE 1

Regulation 6(9)

### Commencement Information

**II** Sch. 1 comes into operation in accordance with reg. 1(2)

## “SCHEDULE 2D

Regulation 7B

### Effective dates for supersession of Child Support Decisions

1. This Schedule sets out the exceptions to the general rule in Article 19(4) of the Child Support Order (that is the rule that a supersession decision takes effect from the beginning of the maintenance period in which it is made or, where applicable, the beginning of the maintenance period in which an application for a supersession is made).

#### Expected change

2. Where the ground for the supersession decision is that a relevant change of circumstances is expected to occur or that a ground for a variation is expected to occur, the decision takes effect from the beginning of the maintenance period in which that change or that ground is expected to occur.

#### Decision backdated to when the change occurred

3. Where the ground for the supersession decision is that a relevant change of circumstances of the following kind has occurred, the decision takes effect from the beginning of the maintenance period in which the change occurred—

- (a) a qualifying child dies or ceases to be a qualifying child;
- (b) the person with care ceases to be a person with care in relation to a qualifying child;
- (c) the person with care, the non-resident parent or a qualifying child ceases to be habitually resident in the United Kingdom; or
- (d) paragraph 4(2) of Schedule 1 to the Child Support Order begins or ceases to apply.

#### Non-resident parent or partner on or off benefit

4. Where a supersession decision is made by the Department acting on its own initiative on the basis of information or evidence which was also the basis of a decision made by it under Articles 9, 10 or 11 of the Order, the decision takes effect from the beginning of the maintenance period in which that information is brought to the attention of the Department.

#### New qualifying child

5. Paragraphs 6 and 7 apply where the ground for the supersession is that there is a new qualifying child in relation to the non-resident parent.

6. Where there is a new qualifying child in relation to the same person with care—

- (a) if the application is made by the non-resident parent, the decision takes effect from the beginning of the maintenance period in which the application is made; and
- (b) if the application is made by the person with care the decision takes effect from the beginning of the maintenance period in which notification of the application is given to the non-resident parent.

*Changes to legislation: There are currently no known outstanding effects for the The Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009, SCHEDULE 1. (See end of Document for details)*

7. Where there is a new qualifying child in relation to a different person with care and an application for a maintenance calculation has been made under Article 7 of the Child Support Order, the decision takes effect from the beginning of the maintenance period in which notification of the calculation is given to the non-resident parent.

#### **Series of changes waiting to be actioned**

8. Where a decision is superseded on application and, in relation to that decision, a maintenance calculation is made to which paragraph 15 of Schedule 1 to the Child Support Order applies, the effective date of the calculation or calculations is the beginning of the maintenance period in which the change of circumstances to which the calculation relates occurred or is expected to occur and where it occurred before the date of the application for the supersession and was notified after that date, the date of that application.

#### **Own initiative decision**

9. Unless paragraph 4 applies, where a decision is superseded in a case where the Department is required to give notice under regulation 7C, the decision takes effect from the first day of the maintenance period which includes the date which is 28 days after the date on which the Department has given notice (oral or written) to the relevant persons under that regulation.

#### **Supersession of tribunal decision made pending outcome of a related appeal**

10. Where, in accordance with Article 28ZB(5) of the Child Support Order, the Department makes a decision superseding the decision of the appeal tribunal or the Child Support Commissioner, the superseding decision takes effect from the beginning of the maintenance period following the date on which the decision of the appeal tribunal or, as the case may be, the Child Support Commissioner would have taken effect had it been decided in accordance with the determination of the Child Support Commissioner or the court in the appeal referred to in Article 28ZB(1)(b) of the Child Support Order.

#### **Supersession of tribunal decision made in error due to misrepresentation etc.**

11. Where—

- (a) a decision made by the appeal tribunal or the Child Support Commissioner is superseded on the ground that it was erroneous due to misrepresentation of, or that there was a failure to disclose, a material fact; and
- (b) the Department is satisfied that the decision was more advantageous to the person who misrepresented or failed to disclose that fact than it would otherwise have been but for that error,

the superseding decision takes effect from the date on which the decision of the appeal tribunal or, as the case may be, the Child Support Commissioner took, or was to take, effect.

#### **Supersession of look alike case where law reinterpreted by the Child Support Commissioner or a court**

12. Any decision made under Article 19 of the Child Support Order in consequence of a determination which is a relevant determination for the purposes of Article 28ZC of that Order takes effect from the date of the relevant determination.”

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009, SCHEDULE 1.