
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 422

The Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009

PROSPECTIVE

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009 and shall come into operation on 25th January 2010.

Commencement Information

II Reg. 1 in operation at 25.1.2010, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“the Order” means the Child Support (Northern Ireland) Order 1991;

“old scheme case” means a case in respect of which the provisions of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000⁽¹⁾ have not been brought into operation in accordance with Article 3 of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 9) Order (Northern Ireland) 2003⁽²⁾;

“the AIAMA Regulations” means the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992⁽³⁾;

“the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999⁽⁴⁾;

“non-resident parent” includes a person treated as a non-resident parent by virtue of regulations made under Article 39 of the Order⁽⁵⁾;

“relevant person” means—

- (a) a person with care; or
- (b) a non-resident parent,

(1) 2000 (c. 4)(N.I.)

(2) S.R. 2003 No. 53 (C. 4)

(3) S.R. 1992 No. 342

(4) S.R. 1999 No. 162

(5) Article 39 is amended by paragraph 11 of Schedule 3 to the 2000 Act in respect of certain cases only

Status: This version of this Rule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

in respect of whom a maintenance calculation is or has been in force.

(2) In the application of these Regulations to an old scheme case, any reference to expressions in the Order (including “non-resident parent” and “maintenance calculation”), or to regulations made under the Order, are to be read with the necessary modifications.

Commencement Information

I2 Reg. 2 in operation at 25.1.2010, see [reg. 1](#)

Arrears notices

3.—(1) This regulation applies to a case where—

- (a) the Department is arranging for the collection of child support maintenance under Article 29 of the Order⁽⁶⁾; and
- (b) the non-resident parent has failed to make one or more payments of child support maintenance due.

(2) Where the Department is considering taking action with regard to a case falling within paragraph (1), it must serve a notice on the non-resident parent.

(3) The notice must—

- (a) itemize the payments of child support maintenance due and not paid;
- (b) set out in general terms the provisions as to arrears contained in this regulation and regulation 8 of the AIAMA Regulations⁽⁷⁾; and
- (c) request the non-resident parent make payment of all outstanding arrears.

(4) Where a notice has been served under paragraph (2), no duty to serve a further notice under that paragraph arises in relation to further arrears unless those further arrears have arisen after an intervening continuous period of not less than 12 weeks during the course of which all payments of child support maintenance due from the non-resident parent have been paid on time in accordance with regulations made under Article 29 of the Order.

Commencement Information

I3 Reg. 3 in operation at 25.1.2010, see [reg. 1](#)

Attribution of payments

4. Where a maintenance calculation is or has been in force and there are arrears of child support maintenance, the Department may attribute any payment of child support maintenance made by a non-resident parent to child support maintenance due as it thinks fit.

Commencement Information

I4 Reg. 4 in operation at 25.1.2010, see [reg. 1](#)

⁽⁶⁾ Article 29 was amended by section 1(2) of the 2000 Act, and section 12 of, and Schedule 5 to, the 2008 Act

⁽⁷⁾ Regulation 8 was substituted by regulation 5(2) of [S.R. 1995 No. 475](#) and was amended by regulation 22(1) of [S.R. 1996 No. 289](#) and regulation 2(7) of [S.R. 2001 No. 15](#)

PART 2

Set Off

Set off of liabilities to pay child support maintenance

5.—(1) The circumstance prescribed for the purposes of Article 38C(1)(a) of the Order, in which the Department may set off liabilities to pay child support maintenance, are set out in paragraph (2).

(2) The Department may set off the liability to pay child support maintenance of one person (“A”) against the liability to pay child support maintenance of another person (“B”) where—

- (a) A is liable to pay child support maintenance under a maintenance calculation, whether that calculation is current or no longer in force, in relation to which B is the person with care; and
- (b) B is liable to pay child support maintenance under a maintenance calculation, whether that calculation is current or no longer in force, in relation to which A is the person with care.

(3) There shall be no set off in relation to any amount which if paid could be retained under Article 38 of the Order⁽⁸⁾.

Commencement Information

I5 Reg. 5 in operation at 25.1.2010, see [reg. 1](#)

Set off of payments against child support maintenance liability

6.—(1) The circumstances prescribed for the purposes of Article 38C(1)(b) of the Order, in which the Department may set off a payment against a person’s liability to pay child support maintenance, are set out in paragraph (2).

(2) The Department may set off a payment against a non-resident parent’s liability to pay child support maintenance where—

- (a) the payment falls within paragraph (3); and
- (b) the person with care agreed to the making of the payment.

(3) A payment is of a prescribed description for the purposes of Article 38C(1)(b) of the Order if it was made by the non-resident parent in respect of—

- (a) a mortgage or loan taken out on the security of the property which is the qualifying child’s home where that mortgage or loan was taken out to facilitate the purchase of, or to pay for essential repairs or improvements to, that property;
- (b) rent on the property which is the qualifying child’s home;
- (c) mains-supplied gas, water or electricity charges at the qualifying child’s home;
- (d) rates payable by the person with care in relation to the qualifying child’s home;
- (e) essential repairs to the heating system in the qualifying child’s home; or
- (f) repairs which are essential to maintain the fabric of the qualifying child’s home.

⁽⁸⁾ Article 38 was amended by paragraph (9) of Schedule 3 to the Child Support (Northern Ireland) Order 1995 ([S.I. 1995/2702 \(N.I. 13\)](#)); sections 1(2) and 17(1) of, and paragraph 11 of Schedule 3 to, the 2000 Act, and paragraph 1(29) of Schedule 4, and Schedule 5, to the 2008 Act

Status: This version of this Rule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I6 Reg. 6 in operation at 25.1.2010, see [reg. 1](#)

Application of set off

7.—(1) In setting off a person’s liability for child support maintenance under this Part, the Department may apply the amount to be set off to reduce any arrears of child support maintenance due under any current maintenance calculation, or any previous maintenance calculation made in respect of the same relevant persons.

(2) Where there are no arrears of child support maintenance due, or an amount remains to be set off after the application of paragraph (1), the Department may adjust the amount payable in relation to the current maintenance calculation by such amount as it considers appropriate in all the circumstances of the case, having regard in particular to—

- (a) the circumstances of the relevant persons; and
- (b) the amount to be set off and the period over which it would be reasonable to adjust the amount payable to set off that amount.

(3) An adjustment of the amount payable in relation to the current maintenance calculation under paragraph (2) may reduce the amount payable to nil.

Commencement Information

I7 Reg. 7 in operation at 25.1.2010, see [reg. 1](#)

PART 3

Overpayments and Voluntary Payments

Application of overpayments

8.—(1) Where for any reason, including the retrospective effect of a maintenance calculation, there has been an overpayment of child support maintenance, the Department may apply the amount overpaid to reduce any arrears of child support maintenance due under any previous maintenance calculation in respect of the same relevant persons.

(2) Where there is no previous maintenance calculation, or an amount of the overpayment remains after the application of paragraph (1), the Department may adjust the amount payable in relation to the current maintenance calculation by such amount as it considers appropriate in all the circumstances of the case, having regard in particular to—

- (a) the circumstances of the relevant persons; and
- (b) the amount of the overpayment and the period over which it would be reasonable to adjust the amount payable for the overpayment to be rectified.

(3) An adjustment of the amount payable in relation to the current maintenance calculation under paragraph (2) may reduce the amount payable to nil.

Status: This version of this Rule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I8 Reg. 8 in operation at 25.1.2010, see [reg. 1](#)

Application of voluntary payments

9.—(1) Where there has been a voluntary payment, the Department may apply the amount of the voluntary payment to reduce any arrears of child support maintenance due under any previous maintenance calculation in respect of the same relevant persons.

(2) Where there is no previous maintenance calculation, or an amount of the voluntary payment remains after the application of paragraph (1), the Department may adjust the amount payable in relation to the current maintenance calculation by such amount as it considers appropriate in all the circumstances of the case, having regard in particular to—

- (a) the circumstances of the relevant persons; and
- (b) the amount of the voluntary payment and the period over which it would be reasonable to adjust the amount payable for the voluntary payment to be taken into account.

(3) An adjustment of the amount payable in relation to the current maintenance calculation under paragraph (2) may reduce the amount payable to nil.

Commencement Information

I9 Reg. 9 in operation at 25.1.2010, see [reg. 1](#)

PART 4

Recovery from Estates

Application and interpretation

10.—(1) This Part applies in relation to the estate of a person who dies on or after the day on which these Regulations come into operation.

(2) In this Part, “child support maintenance” means child support maintenance for the collection of which the Department is authorised to make arrangements.

Commencement Information

I10 Reg. 10 in operation at 25.1.2010, see [reg. 1](#)

Recovery of arrears from a deceased person’s estate

11. Arrears of child support maintenance for which a deceased person was liable immediately before death are a debt payable by the deceased’s executor or administrator out of the deceased’s estate to the Department.

Commencement Information

I11 Reg. 11 in operation at 25.1.2010, see [reg. 1](#)

Status: This version of this Rule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Appeals and other proceedings

12.—(1) The deceased’s executor or administrator has the same rights, subject to the same procedures and time limits, as the deceased person had immediately before death to institute, continue or withdraw any proceedings under the Order, whether by appeal or otherwise.

(2) Regulation 34 of the Decisions and Appeals Regulations shall apply to a case where the non-resident parent is the deceased party to the proceedings as if for paragraphs (1) and (2) there were substituted the following paragraph—

“(1) In any proceedings, on the death of a non-resident parent, the Department must appoint the deceased’s executor or administrator to proceed with the appeal in place of the deceased, unless there is no such person in which circumstances it may appoint such person as it thinks fit to proceed with the appeal.”.

Commencement Information

I12 Reg. 12 in operation at 25.1.2010, see [reg. 1](#)

Disclosure of information

13.—(1) The Department may disclose information held for the purposes of the Order to the deceased’s executor or administrator where, in the opinion of the Department, such information is essential to enable the executor or administrator to administer the deceased’s estate, including, where necessary, to institute, continue or withdraw proceedings under the Order.

(2) Any application for information under this regulation shall be made to the Department in writing setting out the reasons for the application.

(3) Except where a person gives written permission to the Department that the information mentioned in sub-paragraphs (a) and (b) in relation to that person may be disclosed to other persons, any information disclosed under paragraph (1) must not contain—

- (a) the address of any person, except that of the recipient of the information in question and the office of the officer concerned who is exercising functions of the Department under the Order, or any other information the use of which could reasonably be expected to lead to any such person being located;
- (b) any other information the use of which could reasonably be expected to lead to any person, other than a party to the maintenance calculation, being identified.

Commencement Information

I13 Reg. 13 in operation at 25.1.2010, see [reg. 1](#)

PART 5

Revocations and Savings

Revocations

14. The statutory provisions specified in the Schedule are revoked to the extent specified there.

Status: This version of this Rule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I14 Reg. 14 in operation at 25.1.2010, see [reg. 1](#)

Savings

15.—(1) Where before these Regulations come into operation, an adjustment has been made under regulation 10(1)(**9**) of the AIAMA Regulations in an old scheme case, regulations 10(2) and (3) and 11 to 17 of those Regulations(**10**) continue to apply to that case for the purposes of—

- (a) making and determining any appeal against the adjustment;
- (b) making and determining any application for a revision of the adjustment;
- (c) determining any application for a supersession made before these regulations come into operation.

(2) Where before these Regulations come into operation, an adjustment has been made under regulation 10(1) or (3A)(**11**) of the AIAMA Regulations in a case other than an old scheme case, regulation 30A(**12**) of the Decisions and Appeals Regulations continues to apply to that case for the purposes of making and determining any appeal against the adjustment.

Commencement Information

I15 Reg. 15 in operation at 25.1.2010, see [reg. 1](#)

Sealed with the Official Seal of the Department for Social Development on 15th December 2009

(L.S.)

Anne McCleary
A senior officer of the Department for Social
Development

(9) Regulation 10 was substituted by regulation 3(3) of [S.R. 1995 No. 162](#) and paragraph (1) is amended by Article 10(4) of [S.R. 1999 No. 246 \(C. 20\)](#), and regulation 2(10) of [S.R. 2001 No. 15](#)

(10) Regulations 10(2) and (3), and 11 to 17 are revoked by regulation 4(a) of [S.R. 2001 No. 23](#) with savings provisions

(11) Paragraph (3A) was inserted by regulation 2(10) of [S.R. 2001 No. 15](#)

(12) Regulation 30A was inserted by regulation 2(11) of [S.R. 2001 No. 23](#) and was amended by regulation 6(8) of [S.R. 2009 No. 133](#)

Status:

This version of this Rule contains provisions that are prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. coming into force by [S.R. 2009/422 reg. 1](#)
- Sch. heading word inserted by [S.R. 2022/178 art. 4\(7\)](#)
- reg. 1 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 2 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 2(1) words inserted by [S.R. 2018/210 reg. 4\(2\)\(a\)](#)
- reg. 2(1) words inserted by [S.R. 2018/210 reg. 4\(2\)\(b\)](#)
- reg. 2(1) words inserted by [S.R. 2019/116 reg. 4\(2\)\(a\)](#)
- reg. 2(1) words inserted by [S.R. 2019/116 reg. 4\(2\)\(b\)](#)
- reg. 2(1) words inserted by [S.R. 2019/221 reg. 4\(2\)\(a\)](#)
- reg. 2(1) words inserted by [S.R. 2019/221 reg. 4\(2\)\(b\)](#)
- reg. 2(1) words inserted by [S.R. 2022/178 art. 4\(2\)](#)
- reg. 3 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 3(1)(a) modified by [S.R. 2014/193 reg. 3\(3\)\(a\)](#)
- reg. 3(3)(a) substituted by [S.R. 2012/163 reg. 6](#)
- reg. 4 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 5 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 6 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 7 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 8 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 9 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 10 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 11 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 11 modified by [S.R. 2014/193 reg. 3\(5\)](#)
- reg. 12 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 13 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 14 coming into force by [S.R. 2009/422 reg. 1](#)
- reg. 14 words substituted by [S.R. 2022/178 art. 4\(6\)](#)
- reg. 15 coming into force by [S.R. 2009/422 reg. 1](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Pt. 4A4B inserted by [S.R. 2012/439 reg. 2](#)
- Sch. 1 inserted by [S.R. 2022/178 art. 4\(8\)](#)
- reg. 2(3) modified by [S.R. 2014/193 reg. 3\(2\)](#)
- reg. 2A added by [S.R. 2022/178 art. 4\(3\)](#)
- reg. 3(1)(c) modified by [S.R. 2014/193 reg. 3\(3\)\(b\)](#)
- reg. 3A modified by [S.R. 2014/193 reg. 3\(4\)](#)
- reg. 13F© word omitted by [S.R. 2019/116 reg. 4\(3\)\(a\)](#)
- reg. 13F(c) word omitted by [S.R. 2018/210 reg. 4\(3\)\(a\)](#)
- reg. 13F(c) word omitted by [S.R. 2019/221 reg. 4\(3\)\(a\)](#)
- reg. 13F(e) and preceding semi-colon inserted by [S.R. 2018/210 reg. 4\(3\)\(b\)](#)

- reg. 13F(e)-(g) and preceding semi-colon inserted by S.R. 2019/116 reg. 4(3)(b)
- reg. 13F(e)-(g) and semi-colon inserted by S.R. 2019/221 reg. 4(3)(b)
- reg. 13F(f) word omitted by S.R. 2019/125 reg. 4(2)(a)
- reg. 13F(f) word omitted by S.R. 2019/222 reg. 4(2)(a)
- reg. 13F(g) word omitted by S.R. 2023/189 reg. 2(2)(a)
- reg. 13F(h) and preceding word inserted by S.R. 2019/125 reg. 4(2)(b)
- reg. 13F(h) and word inserted by S.R. 2019/222 reg. 4(2)(b)
- reg. 13F(i)(j) and semi-colon inserted by S.R. 2023/189 reg. 2(2)(b)
- reg. 13F(aa) inserted by S.R. 2013/190 reg. 5
- reg. 13G(da) inserted by S.R. 2019/116 reg. 4(4)(e)
- reg. 13G(da) inserted by S.R. 2019/221 reg. 4(4)(e)
- reg. 13G(1A) inserted by S.R. 2018/210 reg. 4(4)(a)
- reg. 13G(1A) inserted by S.R. 2019/116 reg. 4(4)(a)
- reg. 13G(1A) inserted by S.R. 2019/221 reg. 4(4)(a)
- reg. 13G(2) words inserted by S.R. 2018/210 reg. 4(4)(b)
- reg. 13G(2) words inserted by S.R. 2019/116 reg. 4(4)(b)
- reg. 13G(2) words inserted by S.R. 2019/125 reg. 4(3)
- reg. 13G(2) words inserted by S.R. 2019/221 reg. 4(4)(b)
- reg. 13G(2) words inserted by S.R. 2019/222 reg. 4(3)
- reg. 13G(2) words inserted by S.R. 2023/189 reg. 2(3)
- reg. 13G(3)(b) words inserted by S.R. 2018/210 reg. 4(4)(c)(i)
- reg. 13G(3)(b) words inserted by S.R. 2018/210 reg. 4(4)(c)(ii)
- reg. 13G(3)(b) words inserted by S.R. 2019/116 reg. 4(4)(c)(i)
- reg. 13G(3)(b) words inserted by S.R. 2019/116 reg. 4(4)(c)(ii)
- reg. 13G(3)(b) words inserted by S.R. 2019/221 reg. 4(4)(c)(i)
- reg. 13G(3)(b) words inserted by S.R. 2019/221 reg. 4(4)(c)(ii)
- reg. 13G(3)(d) word omitted by S.R. 2018/210 reg. 4(4)(d)
- reg. 13G(3)(d) word omitted by S.R. 2019/116 reg. 4(4)(d)
- reg. 13G(3)(d) word omitted by S.R. 2019/221 reg. 4(4)(d)
- reg. 13G(3)(d) words inserted by S.R. 2018/210 reg. 4(4)(d)
- reg. 13G(3)(d) words inserted by S.R. 2019/116 reg. 4(4)(d)
- reg. 13G(3)(d) words inserted by S.R. 2019/221 reg. 4(4)(d)
- reg. 13G(3)(da) inserted by S.R. 2018/210 reg. 4(4)(e)
- reg. 13G(3)(da)(i) words inserted by S.R. 2022/178 art. 4(4)(a)
- reg. 13G(3)(da)(ii) words inserted by S.R. 2022/178 art. 4(4)(a)
- reg. 13G(4) words substituted by S.R. 2018/210 reg. 4(4)(f)
- reg. 13G(4) words substituted by S.R. 2019/116 reg. 4(4)(f)
- reg. 13G(4) words substituted by S.R. 2019/221 reg. 4(4)(f)
- reg. 13G(4A) inserted by S.R. 2018/210 reg. 4(4)(g)
- reg. 13G(4A) inserted by S.R. 2019/116 reg. 4(4)(g)
- reg. 13G(4A) inserted by S.R. 2019/221 reg. 4(4)(g)
- reg. 13G(5) word inserted by S.R. 2022/178 art. 4(4)(b)
- reg. 13G(6) added by S.R. 2022/178 art. 4(4)(c)
- reg. 13H words inserted by S.R. 2018/210 reg. 4(5)
- reg. 13H words inserted by S.R. 2019/116 reg. 4(5)
- reg. 13H words inserted by S.R. 2019/221 reg. 4(5)
- reg. 13I(2) words inserted by S.R. 2018/210 reg. 4(6)
- reg. 13I(2) words inserted by S.R. 2019/116 reg. 4(6)
- reg. 13I(2) words inserted by S.R. 2019/221 reg. 4(6)
- reg. 13I(2) words inserted by S.R. 2022/178 art. 4(5)
- reg. 13I(2) words substituted by S.R. 2023/189 reg. 2(4)
- reg. 13J inserted by S.R. 2018/210 reg. 4(7)
- reg. 13J inserted by S.R. 2019/116 reg. 4(7)
- reg. 13J inserted by S.R. 2019/221 reg. 4(7)