
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 427

**The Child Support Maintenance Calculation
Regulations (Northern Ireland) 2012**

PART 3

DECISION MAKING

CHAPTER 3

SUPERSESSION

Grounds for supersession

17.—(1) A decision mentioned in Article 19(1)(1) may be superseded by a decision of the Department, on an application or on the Department's own initiative, where—

- (a) there has been a relevant change of circumstances since the decision had effect or it is expected that a relevant change of circumstances will occur;
- (b) the decision was made in ignorance of, or was based on a mistake as to, some material fact; or
- (c) the decision was wrong in law (unless it was a decision made on appeal).

(2) The circumstances in which a decision may be superseded include where the relevant change of circumstances causes the maintenance calculation to cease by virtue of paragraph 16 of Schedule 1(2) or where the Department no longer has jurisdiction by virtue of Article 41(3).

(3) A decision may be superseded by a decision made by the Department where it receives an application for the supersession of a decision by way of an application under Article 28G.

(4) A decision may not be superseded in circumstances where it may be revised.

(5) A decision to refuse an application for a maintenance calculation may not be superseded.

(6) In making a supersession decision under Article 19(1) the Department need not consider any issue that is not raised by the application or, as the case may be, did not cause the decision to be made on the Department's own initiative.

(7) This regulation is subject to any provision in Chapter 4 relating to the circumstances in which a supersession decision may be made.

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- (1) Paragraph (1) is amended by section 9(2) of, and Schedule 9 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000
 - (2) Paragraph 16 was amended by paragraph 32(5) of Schedule 6 to the Social Security (Northern Ireland) Order 1998, section 1(2) of, and paragraphs 11 and 28(c) of Schedule 3 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 1(29)(b) of Schedule 4 to the Child Maintenance Act (Northern Ireland) 2008
 - (3) Article 41 is amended by paragraph 26 of Schedule 6 to the Social Security (Northern Ireland) Order 1998, sections 1(2)(a) and 21 of, and paragraph 11 of Schedule 3 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 128 of Schedule 1 to [S.I. 2009/1941](#)

Status: *This is the original version (as it was originally made).*
