
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision consequential on, or connected with—

the coming into operation of the changes to the meaning of “child” for the purposes of the Child Support (Northern Ireland) Order 1991 (“the Order”) provided for by section 26 of the Child Maintenance Act (Northern Ireland) 2008 (“the Act”); and

the changes to the rules for the calculation of child support maintenance provided for by Schedule 1 to the Act and the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 (“the Maintenance Calculation Regulations”).

Regulations 2 and 3 amend respectively the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992 and the Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001 to prescribe conditions for the purposes of Article 3(1)(b) of the Order.

Regulation 4 amends the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992 (“the Collection and Enforcement Regulations”) to—

substitute regulation 4 to allow payments of child support maintenance to be scheduled as equal instalments payable over an annual period (paragraph (2));

amend regulation 8 to change the definition of “normal deduction rate” to set out the amount to be deducted per month and the amount for a 1, 2 and 4 week equivalent of that amount (paragraph (3));

substitute regulations 10 and 11 to provide that—

the normal deduction rate is set by reference to the period by reference to which the liable person is paid where that payment period is monthly or 1, 2 or 4 weekly, and

the protected earnings proportion must be 60 per cent of net earnings at the liable person’s pay day for each deduction made under the order (paragraph (4));

amends regulation 20 to allow for deduction from earnings orders to be discharged where the circumstances in regulation 10(3) apply (paragraph (5)); and

amend regulations 25C and 25G in relation to the maximum deduction rate for a regular deduction order, so it is calculated by reference to gross, rather than net, income.

Regulation 6 amends the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 by removing provisions relating to child support maintenance which are now provided for in the Maintenance Calculation Regulations.

Regulation 8 inserts new provision in the Child Support Information Regulations (Northern Ireland) 2008 allowing the Department for Social Development to require a non-resident parent whose income has been calculated by reference to current employment as an employee or officeholder, or whose income has been calculated by reference to current income to whom the nil rate applies, to report an increase in that income. Failure to comply with the new provisions will be an offence under Article 16A of the Order. It also makes consequential amendments.

Regulations 5 and 7 respectively make consequential amendments to the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992 and the Child Support (Voluntary Payments) Regulations (Northern Ireland) 2001.

Changes to legislation: *There are currently no known outstanding effects for the The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2012. (See end of Document for details)*

Regulation 9 revokes a number of sets of Regulations which are replaced by the Maintenance Calculation Regulations and makes consequential revocations.

Regulation 10 saves regulations 8, 10, 11 and 20 of the Collection and Enforcement Regulations for the purposes of arrears-only cases as they have effect immediately before regulation 4(3) to (6) of these Regulations comes into operation until notice is given to the non-resident parent in such cases that the regulations, as amended, apply in their case.

Regulation 11 makes transitional provision. Where a deduction from earnings order made under the Collection and Enforcement Regulations, prior to the amendments by regulation 4(3) to (6) of these Regulations coming into operation, has effect immediately before those provisions come into operation in the case, the existing deduction from earnings order will continue to take effect until it lapses or is discharged. The existing order will be discharged, if it is still in effect, on the date on which the first order made under the Collection and Enforcement Regulations, as amended by regulation 4(3) to (6), takes effect.

Article 3 of the Order, one of the enabling provisions under which these Regulations are made, is substituted by section 26 of the Act which is brought into operation, for the purposes only of making regulations, on 3rd December 2012 by virtue of the Child Maintenance (2008 Act) (Commencement No. 9) Order (Northern Ireland) 2012 ([S.R. 2012 No. 423 \(C. 43\)](#)).

Another of the enabling provisions, Article 29 of the Order, is amended by section 31 of the Welfare Reform Act (Northern Ireland) 2010 which is brought into operation on 3rd December 2012 by virtue of the Welfare Reform (2010 Act) (Commencement No. 5) Order (Northern Ireland) 2012 ([S.R. 2012 No. 424 \(C. 44\)](#)).

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2012.