
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 438

The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2012

PART 3

New Calculation Rules – Consequential and Miscellaneous Amendments

Amendment of the Collection and Enforcement Regulations

4.—(1) The Collection and Enforcement Regulations are amended in accordance with paragraphs (2) to (6).

(2) For regulation 4(1) (interval of payment) substitute—

“Payments to be scheduled over reference period

4.—(1) The Department may, for the purposes of determining the frequency and amount of the payments of child support maintenance required to be made by a liable person—

- (a) determine the total amount payable for the reference period on the assumption that the weekly rate of child support maintenance will not change over that period; and
- (b) require that amount to be paid by equal instalments over that period at intervals determined by the Department.

(2) The reference period in relation to the maintenance calculation is, subject to paragraph (3), the period of 52 weeks mentioned in Article 29(3A) of the Order beginning with—

- (a) the initial effective date (where it is the first such period in relation to the maintenance calculation); or
- (b) the review date.

(3) In this regulation “initial effective date” and “review date” have the meanings given by regulations 12 and 19 respectively of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(2).”.

(3) In regulation 8(1) (interpretation of this Part) in the definition of “normal deduction rate” for “week, month or other period” substitute “month and the equivalent of that sum for a 1, 2 and 4 week period”.

(4) For regulations 10 and 11(3) (normal deduction rate and protected earnings proportion) substitute—

“Normal deduction rate

10.—(1) The period by reference to which the normal deduction rate is set must be the period by reference to which the liable person is normally paid where that period is a 1, 2 or 4 weekly or monthly period.

(2) The employer must select the normal deduction rate which applies depending on the period by reference to which the liable person’s earnings are normally paid.

(3) Where the liable person is paid by reference to a period other than at a 1, 2 or 4 weekly or monthly period, the Department must discharge the deduction from earnings order in accordance with regulation 20.

Protected earnings proportion

11.—(1) The period by reference to which the protected earnings proportion is set must be the same as the period by reference to which the normal deduction rate is set in accordance with regulation 10(1).

(2) The protected earnings proportion in respect of any period shall be 60 per cent. of the liable person’s net earnings in respect of that period as calculated at the pay-day of the liable person by the employer.”

(5) In regulation 20(1)(4) (discharge of deduction from earnings orders)—

(a) omit “or” after sub-paragraph (e); and

(b) after sub-paragraph (f) add—

“or

(g) the circumstances in regulation 10(3) apply.”

(6) In regulations 25C(1)(a) and 25G(2)(d)(5) (maximum deduction rate and review of a regular deduction order) for “net” substitute “gross”.

Commencement Information

I1 Reg. 4(3)-(6) comes into force in accordance with reg. 1(1)(c)(d)

I2 Reg. 4(3)-(6) in operation at 25.11.2013 for specified purposes, see **reg. 1(1)(d)**

(3) Regulation 10 was amended by regulation 4(6) of S.R. 1995 No. 162 and regulation 3(10) of S.R. 2001 No.15 and regulation 11 was amended by regulation 4(7)(b) of S.R. 1995 No. 162, regulation 5(3) of S.R. 1996 No. 317, Article 11 of S.R. 1999 No. 246 (C. 20), regulation 3(11) of S.R. 2001 No. 15, regulation 3(3) of S.R. 2006 No. 273 and regulation 3(3) of S.R. 2008 No. 409

(4) Regulation 20 was amended by regulation 4(9) of S.R. 1995 No. 162 and regulation 3(14) of S.R. 2001 No. 15

(5) Regulations 25C and 25G were inserted by regulation 2 of S.R. 2009 No. 286

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, Section 4.