
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 Child Support Information Regulations

8.—(1) The Child Support Information Regulations (Northern Ireland) 2008⁽¹⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) for the definition of “Maintenance Calculation Procedure Regulations” substitute—

““the Maintenance Calculation Regulations” means the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012;” and

(b) omit paragraphs (2) and (3).

(3) In regulation 7 (duty of persons from whom information requested) omit paragraph (3).

(4) After regulation 9 (duty to notify change of address) insert—

“Duty to notify increase in current income

9A.—(1) In a case falling within paragraph (2) or (3), the Department may notify the non-resident parent of the requirement to notify the Department of any relevant change of circumstances in relation to that income.

(2) A case falls within this paragraph if, in relation to a maintenance calculation in force—

(a) gross weekly income is determined by reference to the non-resident parent’s current income as an employee or officeholder (in accordance with regulation 37 of the Maintenance Calculation Regulations); and

(b) paragraph 5(b) of the Schedule 1 to the Order⁽²⁾ (nil rate) does not apply.

(3) A case falls within this paragraph if, in relation to a maintenance calculation in force—

(a) gross weekly income is determined by reference to the non-resident parent’s current income (in accordance with regulation 36 of the Maintenance Calculation Regulations); and

(b) paragraph 5(b) of Schedule 1 to the Order applies.

(1) S.R. 2008 No. 403, to which there are amendments not relevant to these Regulations

(2) Part 1 of Schedule 1 is substituted by Schedule 1 to the Child Support, Pensions and Social Act (Northern Ireland) 2000

- (4) A notification by the Department under paragraph (1) must be in writing.
- (5) Where a relevant change of circumstances occurs after the non-resident parent has been notified of a requirement under paragraph (1) the non-resident parent must notify the Department of that change—
- (a) within fourteen days beginning with and including the day on which the change occurs; or
 - (b) within such other period as the Department has specified in its notification.
- (6) For the purposes of a case falling within paragraph (2), a relevant change of circumstances occurs where—
- (a) the non-resident parent—
 - (i) commences a new employment or office, or
 - (ii) in relation to an existing employment or office, commences a new rate of remuneration or a new working pattern,and could reasonably be expected to know that would result in an increased liability under the maintenance calculation in force if reported to the Department; or
 - (b) the non-resident parent receives from their employment or office the following number of consecutive payments, each of which (if it were taken as a weekly average) exceeds the gross weekly income taken into account in the maintenance calculation in force by 25 per cent. or more—
 - (i) five payments, in the case of a non-resident parent paid weekly,
 - (ii) three payments, in the case of a non-resident parent paid fortnightly,
 - (iii) two payments, in the case of a non-resident parent paid four weekly or monthly.
- (7) The payments referred to in paragraph (6)(b) are the gross remuneration from the employment or office in question less any pension contributions deducted under net pay arrangements.
- (8) In paragraph (7) “net pay arrangements” means arrangements for relief in respect of pension contributions under section 193 of the Finance Act 2004⁽³⁾.
- (9) For the purposes of a case falling within paragraph (3), a relevant change of circumstances occurs where the non-resident parent’s income increases to a gross weekly income of £5 or more.
- (10) For the purposes of paragraph (9), gross weekly income is to be calculated in accordance with regulation 44(2) of the Maintenance Calculation Regulations.”.
- (5) In regulation 13(1)(d) (disclosure of information to other persons) for “regulation 23 of “the Maintenance Calculation Procedure Regulations” substitute “regulation 25 of the Maintenance Calculation Regulations (notification of a maintenance calculation)”.