
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992, the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992, the Child support Departure Direction and Consequential Amendments Regulations 1996, the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001 (“the 2001 Regulations”), the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 (“the 2012 Regulations”) and the Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2012.

Some of the provisions in these Regulations make amendments to child support provisions following changes to legislation allowing a person to make an election for payments of child benefit not to be made in cases where the person or their partner have income of over £50,000 per year.

Regulations 2(2)(b) and 2(3), 3, 5, 6(2)(b), (3) and (4), 7(3) and 8(4) and (5) make amendments to child support provisions to ensure that the effect is that a person who has made an election under section 11A(1) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8 (N.I)) for payments of child benefit not to be made is treated as receiving child benefit (or child benefit is treated as being payable) for the purposes of calculating child maintenance.

Regulation 7(2) amends the prescription of relevant other child which applies to the 2003 scheme of child support, so that it includes a child in respect of whom an election not to receive child benefit has been made. Regulation 8(7) makes the same amendment to the 2012 Regulations for the purposes of the 2012 scheme.

Regulation 2(2)(a) amends the heading of paragraph 1 of Schedule 1 to the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992 to more accurately reflect the contents of that paragraph. Regulation 6(2)(a) makes the same amendment to the Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2000.

Regulation 4 makes amendments to the Child Support (Collection and Enforcement) Regulations 1992 which are consequential on a change made in the Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations (Northern Ireland) 2012 (“the Consequential Regulations”), for the purposes of the 2012 scheme of child support. Regulation 4(2) inserts a definition of “gross weekly income” and “current income” and paragraph (3) omits a paragraph referring to net weekly income. Regulation 4(4) amends regulation 25C so that the maximum deduction rate is 40% of the person’s gross weekly income as calculated for the purposes of the current maintenance calculation or, where it is an arrears only case, the most recent previous calculation. Regulation 4(5) amends regulation 25G so that in an arrears only case the liable person can request a review of the deduction order where there has been a change to current gross income.

Regulation 8(2) amends regulation 33 of the 2012 Regulations so that the non-resident parent’s gross weekly income can be (a) based on historic income in cases where the amount of historic income is nil, and (b) based on current income where the Department is unable to request or obtain information from Her Majesty’s Revenue and Customs. Regulation 8(3) makes changes consequential on this.

Regulation 8(6) amends regulation 74 of the 2012 Regulations so that a variation previously agreed to which has ceased to have effect for specified reasons can be taken into account again

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without the need for an application or needing to consider whether there has been a material change of circumstances.

Regulation 9 makes a technical amendment to a definition in the Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2012.