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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 182**

**The Child Support (Miscellaneous Amendments)  
Regulations (Northern Ireland) 2013**

**Amendment of the Child Support Maintenance Calculation Regulations**

**8.—**(1) The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012<sup>(1)</sup> are amended as follows.

(2) In regulation 33 (the general rule for determining gross weekly income)—

(a) in paragraph (2)—

(i) in sub-paragraph (b) omit “the amount of historic income is nil or”;

(ii) after sub-paragraph (b), add—

“; or

(c) the Department is unable, for whatever reason, to request or obtain the information from HMRC.”;

(b) after paragraph (2), insert—

“(2A) For the purposes of paragraph (2)(a), current income is treated as differing from historic income by an amount that is at least 25 per cent. of historic income where

(a) the amount of historic income is nil; and

(b) the amount of current income is greater than nil.”.

(3) In regulation 41(1)(a) (estimate of current income where insufficient information available)—

(a) after “by virtue of” insert “regulation 33(2)(a) where the amount of historic income is nil or by virtue of”; and

(b) after “33(2)(b)” insert “or (c)”.

(4) After regulation 49(3) (parent treated as a non-resident parent in shared cases), add—

“(4) For the purposes of paragraph (3), where a person has made an election under section 11A(1) of the Social Security Administration (Northern Ireland) Act 1992 for payments of child benefit not to be made, that person is to be treated as receiving child benefit.”.

(5) In regulation 53 (care provided for relevant other child by an authority), the existing provision becomes paragraph (1), and after that paragraph add—

“(2) For the purposes of paragraph (1), where a person has made an election under section 11A(1) of the Social Security Administration (Northern Ireland) Act 1992 for payments of child benefit not to be made, that person is to be treated as receiving child benefit.”.

(6) In regulation 74(2) (situations in which a variation previously agreed to may be taken into account in calculating maintenance liability) omit from “and the Department is satisfied” to “ceased to have effect.”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (7) In regulation 76 (relevant other child outside Northern Ireland), for the heading substitute “Meaning of “relevant other child” for the purposes of the Child Support Order”, and the words from “would receive” to the end become paragraph (a), and after that paragraph add—
- “; or
- (b) has made an election under section 11A(1) of the Social Security Administration (Northern Ireland) Act 1992 for payments of child benefit not to be made.”.