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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 193**

**The Child Support (Modification,  
Consequential and Miscellaneous Amendments)  
Regulations (Northern Ireland) 2014**

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

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

(2) In regulation 11 (notice of application)—

- (a) in paragraph (1) for “the Department must, as soon as reasonably practicable,” substitute “, and the requirement in paragraph (3) is satisfied, the Department must”;
- (b) in paragraph (2) after “parent” insert “(as ascertained and verified in accordance with paragraph (3))”; and
- (c) after paragraph (2) add—

“(3) The requirement is that the address of the non-resident parent in relation to the application has been ascertained and verified.

(4) Except where paragraph (5) or (6) applies to an application, notice must be given as soon as is reasonably practicable.

(5) Where—

- (a) there is an existing case related to the application; or
- (b) the applicant—

(i) has been required to choose in an existing case whether or not to stay in the statutory scheme (under Schedule 2 to the 2008 Act (maintenance calculations: transfer of cases to new rules)), as a result of that applicant’s existing case being related to an application made under Article 7(1), and

(ii) has chosen, by way of the application, to remain in the statutory scheme, notice must be given as soon as is reasonable.

(6) Subject to paragraph (8), where the applicant—

- (a) has been required to choose in an existing case whether or not to stay in the statutory scheme (under Schedule 2 to the 2008 Act), in circumstances where the existing case is not related to an application made under Article 7(1); and
- (b) has chosen, by way of the application, to remain in the statutory scheme,

notice must be given in accordance with paragraph (7).

(7) Where paragraph (6) applies, notice must be given—

- (a) where the application is made and the requirement in paragraph (3) is satisfied before the day 39 days before the liability end date (which means the date

determined in accordance with regulation 6 (liability end date) of the Ending Liability Regulations) in relation to the existing case has passed, as soon as is reasonable once that day has passed; or

- (b) where the application is made and the requirement in paragraph (3) is satisfied after the day 39 days before the liability end date has passed, as soon as is reasonable.

(8) Where an application to which paragraph (6) applies becomes an application to which paragraph (5) applies (because it becomes an existing case related to an application), paragraph (6) ceases to apply to that application.

(9) In this regulation—

- (a) “the 2008 Act” means the Child Maintenance Act (Northern Ireland) 2008<sup>(2)</sup>;
- (b) “existing case” has the meaning given in paragraph 1(2) of Schedule 2 to the 2008 Act;
- (c) “the Ending Liability Regulations” means the Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations (Northern Ireland) 2014<sup>(3)</sup>;
- (d) an existing case is related to an application if—
- (i) the non-resident parent in relation to that application is also the non-resident parent in relation to the existing case and the person with care in relation to that application is not the person with care in relation to the existing case, or
- (ii) the non-resident parent in relation to that application is a partner of a non-resident parent in relation to the existing case and either or both are in receipt of a benefit prescribed by regulations made under paragraph 4(1)(c) (flat rate) of Schedule 1 to the Child Support Order<sup>(4)</sup>.”.

(3) In regulation 12 (initial effective date)—

- (a) renumber the existing provision as paragraph (1) of that regulation;
- (b) in that paragraph for “on which notice is given to the non-resident parent in accordance with” substitute “provided as the initial effective date in the notice given to the non-resident parent under”; and
- (c) after that paragraph add—

“(2) The non-resident parent must be notified of the initial effective date—

- (a) by written notice posted to the last known address of the non-resident parent at least two days prior to the initial effective date; or
- (b) by telephone on or before the initial effective date and by written notice sent by ordinary post to the last known address of the non-resident parent.”.

(4) In regulation 14 (grounds for revision) after paragraph (3) insert—

“(3A) Where—

- (a) the Department makes a decision and there is an appeal;
- (b) there is a further decision in relation to the appellant (“decision B”) after the appeal but before the appeal results in a decision by an appeal tribunal (“decision C”); and

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(2) 2008 (c.10 (N.I.))

(3) S.R. 2014 No. 191

(4) Part 1 of Schedule 1 is substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

(c) the Department would have made decision B differently if aware of decision C at the time of making decision B, decision B may be revised at any time.”.