
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 194

The Child Maintenance (2008 Act) (Commencement No. 14 and Transitional Provisions) Order (Northern Ireland) 2014

Thirteen week linking rule in relation to certain cases

3.—(1) This Article has effect from 30th June 2014.

(2) Where—

- (a) The Department ceases acting in an existing case as a result of being requested, on or after 30th June 2014, to cease acting by the person with care under Article 7(5) of the Child Support Order (child support maintenance); and
- (b) the qualifying child or, if there is more than one qualifying child, all of the qualifying children in relation to the existing case will reach the age of 20 before the end of the transition period,

the non-resident parent is not eligible to make an application under Article 7(1) of the Child Support Order⁽¹⁾ in relation to a qualifying child referred to in sub-paragraph (b) before the expiry of the period of 13 weeks from and including the date of cessation of action by the Department, unless paragraph (3) applies.

(3) Where the non-resident parent becomes the person with care, paragraph (2) does not apply.

(4) For the purposes of paragraph (2), the date of cessation of action by the Department is—

- (a) where there is a maintenance assessment or maintenance calculation in force, the date on which the liability under that assessment or calculation ends as a result of the request to cease acting; or
- (b) where there is an application still to be determined, the date notified to the person with care as the date on which the Department has ceased acting.

(5) In this Article—

- (a) subject to sub-paragraph (b) “non-resident parent”, “person with care” and “qualifying child” have the meanings given in Article 4 of the Child Support Order⁽²⁾ (meaning of certain other terms used in this Order);
- (b) a reference to a non-resident parent includes reference to a person who is—
 - (i) treated as the non-resident parent for the purposes of the Child Support Order⁽³⁾,

(1) Article 7(1) was amended by regulation 1(2)(a) of and paragraph 11 of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(2) The term “non-resident parent” was substituted for the term “absent parent” by paragraph 11 of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000. The definition of “qualifying child” in Article 4(1) of the Child Support (Northern Ireland) Order 1991 was amended by paragraph 11 of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(3) A person may be treated as a non-resident parent for the purposes of the Child Support (Northern Ireland) Order 1991 under regulation 49(2) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 ([S.R. 2012 No. 427](#)) or regulation 8(2) of the Child Support (Maintenance Calculation and Special Cases) Regulations (Northern Ireland) 2001 ([S.R. 2001 No. 18](#))

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- (ii) an absent parent (which has the meaning given in Article 2(2) of the Child Support Order before its substitution by section 25 of, and paragraph 11 of Schedule 3 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, or
- (iii) treated as the absent parent for the purposes of the Child Support Order⁽⁴⁾.

⁽⁴⁾ A person may be treated as an absent parent for the purposes of the Child Support Order under regulation 20(2) of the Child Support (Maintenance Assessment and Special Cases) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 341)