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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 221**

**The Child Support (Miscellaneous Amendments  
No. 3) Regulations (Northern Ireland) 2019**

**PART 2**

**AMENDMENTS RELATING TO THE GROUNDS FOR  
VARIATION OF A MAINTENANCE CALCULATION**

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

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

(2) After regulation 68 (non-resident parent with unearned income) insert—

**“Assets exceeding a prescribed value**

**68A.—(1)** Where this paragraph applies, the other cases prescribed under paragraph 4(1) of Schedule 4B to the Child Support Order are cases where the Department is satisfied that there is an asset in which the non-resident parent has a legal or beneficial interest and the value of that interest exceeds the prescribed value.

(2) In this regulation “asset” means—

- (a) money, whether in cash or on deposit, including any money which is due to a non-resident parent where the Department is satisfied that requiring payment of the monies to the non-resident parent immediately would be reasonable;
- (b) gold, silver or platinum bullion bars or coins;
- (c) a virtual currency which is capable of being exchanged for money;
- (d) land or rights in or over land;
- (e) shares within the meaning of section 540 of the Companies Act 2006<sup>(2)</sup>;
- (f) stock or shares within the meaning of section 2 of the Judgements Enforcement (Northern Ireland) Order 1981<sup>(3)</sup>;
- (g) gilt edged securities within the meaning of paragraphs 1 and 1A of Part 1 of Schedule 9 to the Taxation of Chargeable Gains Act 1992<sup>(4)</sup>; or
- (h) a chose in action which has not been enforced on the date of an application for a variation under regulation 55 and where the Department is satisfied that such enforcement would be reasonable.

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(1) S.R. 2012 No. 427

(2) 2006 c.46

(3) S.I. 1981/226 (N.I. 6)

(4) 1992 c.12. Paragraph 1A of Part 1 of Schedule 9 was inserted by paragraph 8 of Schedule 40 to the Finance Act 1996 (1996 c.8)

- (3) In this regulation “asset” includes any asset which is subject to a trust where the non-resident parent is a beneficiary.
- (4) Paragraph (1) does not apply in the case of any asset which—
- (a) has been received by the non-resident parent as compensation for personal injury suffered by the non-resident parent;
  - (b) is being used in the course of the non-resident parent’s trade or business;
  - (c) the Department is satisfied could have been purchased from the gross weekly income of the non-resident parent which has been taken into account for the purposes of a maintenance calculation;
  - (d) will need to be sold in order to meet any additional maintenance payment required as a result of a variation under paragraph 4(1) of Schedule 4B to the Child Support Order where the Department is satisfied that the sale of that asset would cause hardship to a child of the non-resident parent, or would otherwise be unreasonable having taken into account all relevant circumstances; or
  - (e) is a legal or beneficial interest in land where the land in question is the primary residence of the non-resident parent or any child of the non-resident parent.
- (5) The “prescribed value” is £31,250.
- (6) In the case of an asset which is subject to a mortgage or charge, the value of that asset will be its value after a deduction is made for any amount owing under the mortgage or charge.
- (7) The Department shall calculate the weekly value of an asset by applying the statutory rate of interest to the value of the asset and dividing by 52.
- (8) For the purposes of this regulation—
- “statutory rate of interest” means interest at the statutory rate prescribed for a judgment debt<sup>(5)</sup>;
  - “virtual currency” means a digital representation of value which is not issued by a central bank or a public authority; and is accepted by natural or legal persons as a means of payment; and can be transferred, stored or traded electronically.”.

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(5) The statutory rate of interest is prescribed by Rule 9 of Order 42 to the Rules of the Court of Judicature (NI) 1980