

EXPLANATORY MEMORANDUM TO
THE CHILD SUPPORT MAINTENANCE CALCULATION (AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2021

S.R. 2021 No. 188

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly under the negative resolution procedure.
- 1.2. These Regulations are made under Article 3(1) of the Child Support (Northern Ireland) Order 1991 (“the 1991 Order”) and section 138(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

2. Purpose

- 2.1. These Regulations will amend the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 (“the 2012 Regulations”) (S.R. 2012 No. 427) by aligning child maintenance qualifying rules with Child Benefit payment criteria in certain circumstances. It will do this by modifying the application of Child Benefit legislation. For child support purposes, the consequences of not satisfying two of the criteria for a qualifying young person are modified, with the effect that the person is not a “child” and therefore, the person is not the subject of child support. The calculation of the date a person ceases to be a qualifying young person is also modified, where they are entered for exams in Northern Ireland.

3. Background

Legislative Context

- 3.1. The Child Support (Northern Ireland) Order 1991 provides the primary powers for the Department to define “child”, set a child maintenance assessment, and where required collect child maintenance payments from parents to pay over to parents with care.
- 3.2. The application of these powers are provided within the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 (“the 2012 Regulations”) which set out how maintenance will be calculated under the current statutory scheme.
- 3.3. This statutory rule makes amendments to regulation 75 of the 2012 Regulations and provides that a person does not satisfy the condition of being a “qualifying young person”; if they are in remunerative work between leaving education and the applicable terminal date or, are in receipt of other financial support in any week. A consequence of these

provisions is that such a person will not be a “child” for the purposes of the 1991 Order.

- 3.4. A further amendment provides that where a person leaves relevant education or approved training and is entered for exams, the calculation of the applicable terminal date takes account of the week in which the terminal date falls. This amendment will align the end date of child maintenance liability and Child Benefit payability.

Policy Background – Qualifying young person changes

- 3.5. The purpose of this statutory rule is to modify the application of two criteria for a person to be a “qualifying young person” for child maintenance purposes and to alter the calculation of the applicable terminal date where a qualifying young person is entered for exams. These amendments will correct minor anomalies in the application of Regulation 7 and Regulation 8 of the Child Benefit (General) Regulations 2006 (“the 2006 Regulations”) (S.I. 2006/223).
- 3.6. The amendments will ensure that the qualifying young person and terminal date provisions better reflect longstanding policy intent. That is, payment of child maintenance should end in line with Child Benefit payability where young people enter remunerative work after leaving education but before the applicable terminal date, or receive other financial support in the form of specified benefits or tax credit. This provides for consistent treatment of persons to whom either of these criteria apply. The changes to this definition will also allow the Department to achieve greater administrative efficiency.
- 3.7. As a result of the terminal dates amendment, for persons who are entered for exams, child maintenance liabilities will end on the same day as Child Benefit payability in the week of the applicable terminal date. This will resolve the current discrepancy between HMRC Child Benefit terminal dates and the dates child maintenance liabilities end. The 2006 Regulations currently require that child maintenance liabilities stop on a date that can vary by up to six days depending on whether a “qualifying young person” is entered for exams or not after they leave relevant education or approved training

4. Consultation

- 4.1. The Department has not consulted on these changes as they are small technical changes.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for these Regulations and concluded that they do not have significant implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment is not necessary.

6. Regulatory Impact

- 6.1. There is no, or no significant, impact on business, charities or voluntary bodies or on the public sector.

7. Financial Implications

- 7.1. Not applicable.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The Department is content that the statutory rule complies with section 24 of the Northern Ireland Act 1998 (convention rights etc...).

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. The corresponding Great Britain Regulations are the Child Support (Collection and Enforcement and Maintenance Calculation) (Amendment No. 2) Regulations 2021.

11. Additional Information

- 11.1. Not applicable.