

EXPLANATORY MEMORANDUM TO
THE CHILD SUPPORT FEES (REVOCATION) REGULATIONS (NORTHERN
IRELAND) 2023

S.R. 2023 No. 112

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.

These Regulations are made under section 3(1) of the Child Maintenance Act (Northern Ireland) 2008.

2. Purpose

- 2.1. This instrument amends the Child Support Fees Regulations (Northern Ireland) 2014 (“the 2014 Regulations”) so as to revoke regulation 3(6) and (7).
- 2.2. The Child Support Collection (Domestic Abuse) Act 2023 (c. 24) makes corresponding provision for collect and pay arrangements in child support. Regulation 3(6) and (7) of the 2014 Regulations is thereby revoked by these regulations.

3. Background

Legislative Context

- 3.1. The Child Support Collection (Domestic Abuse) Act 2023 makes corresponding provision to regulation 3(6) and (7) of the 2014 Regulations. Accordingly, in order to ensure consistency and clarity in relation to circumstances in which the Department has power to collect child maintenance, regulation 3(6) and (7) are revoked.

Policy Background

- 3.2. Child Maintenance legislation is based on the general principle that all parents take financial responsibility for all of their children. The main objective of child maintenance legislation is to maximise the number of effective maintenance arrangements for children who live apart from one or both of their parents. The Department continuously strives to modernise and improve services to both parents and thus legislative amendments are being made to support this aspiration.
- 3.3. In association with the domestic abuse protections provided in the Child Support Collection (Domestic Abuse) Act 2023, revoking regulation 3(6) & (7) of the 2014 Regulations will effectively allow for the Collect and Pay process to be used in a Child Maintenance case if either parent objects to using Direct Pay because of a previous criminal conviction related to domestic abuse by the other parent, or a current civil court order related to domestic abuse, such as a non-molestation

order being in place. It is hoped that these changes will provide a better service and protect victims of domestic abuse.

4. Consultation

4.1. Not applicable.

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 has considered section 24 of the Northern Ireland Act 1998 and is satisfied that these Regulations:

- a) are not incompatible with any of the Convention rights;
- b) are not incompatible with Article 2(1) of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement (rights of individuals);
- c) do not discriminate against a person or class of person on the ground of religious belief or political opinion; and
- d) do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.