



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART V

INCOME SUPPORT AND THE DUTY TO MAINTAIN

103 Reduction of expenditure on income support: certain maintenance orders to be enforceable by the Department.

(1) This section applies where—

- (a) a person (“the claimant”) who is the parent of one or more children is in receipt of income support either in respect of those children or in respect of both himself and those children; and
- (b) there is in force a maintenance order made against the other parent (“the liable person”)—
 - (i) in favour of the claimant or one or more of the children, or
 - (ii) in favour of some other person for the benefit of the claimant or one or more of the children;

and in this section “the primary recipient” means the person in whose favour that maintenance order was made.

(2) If, in a case where this section applies, the liable person fails to comply with any of the terms of the maintenance order—

- (a) the Department may bring any proceedings or take any other steps to enforce the order that could have been brought or taken by or on behalf of the primary recipient; and
- (b) any court before which proceedings are brought by the Department by virtue of paragraph (a) above shall have the same powers in connection with those proceedings as it would have had if they had been brought by the primary recipient.

Status: Point in time view as at 01/08/2014. This version of this provision has been superseded.

Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 103 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F1}(bb) any water undertaker (within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006);]
- (3) The Department's powers under this section are exercisable at the Department's discretion and whether or not the primary recipient or any other person consents to their exercise; but any sums recovered by virtue of this section shall be payable to or for the primary recipient, as if the proceedings or steps in question had been brought or taken by him or on his behalf.
- (4) The powers conferred on the Department by subsection (2)(a) above include power—
- (a) to apply for the registration of the maintenance order under—
 - (i) section 17 of the ^{M1}Maintenance Orders Act 1950;
 - (ii) section 11 of the ^{M2}Maintenance and Affiliation Orders Act (Northern Ireland) 1966; [^{F2}or]^{F3} . . .
 - (iii) the ^{M3}Civil Jurisdiction and Judgments Act 1982; ^{F4}...
^{F4}[^{F5}(iv)]
 - [^{F6}(aa) to apply for recognition and enforcement of the maintenance order under the Maintenance Regulation, to the extent permitted by Article 64 of that Regulation;]^{F7}...
 - [^{F8}(ab) to apply for recognition and enforcement of the maintenance order under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007, to the extent permitted by Article 36 of that Convention; and]
 - (b) to make an application under section 2 of the ^{M4}Maintenance Orders (Reciprocal Enforcement) Act 1972 (application for enforcement in reciprocating country).
- (5) Where this section applies, the prescribed person shall in prescribed circumstances give the Department notice of any application—
- (a) to alter, vary, suspend, discharge, revoke, revive or enforce the maintenance order in question; or
 - (b) to remit arrears under that maintenance order;
- and the Department shall be entitled to appear and be heard on the application.
- (6) Where, by virtue of this section, the Department commences any proceedings to enforce a maintenance order, the Department shall, in relation to those proceedings, be treated for the purposes of any statutory provision relating to maintenance orders as if it were a person entitled to payment under the maintenance order in question (but shall not thereby become entitled to any such payment).
- (7) Where, in any proceedings under this section, the court makes an order for the whole or any part of the arrears due under the maintenance order in question to be paid as a lump sum, the Department shall inform the [^{F9}Northern Ireland Legal Services Commission] of the amount of that lump sum if the Department knows—
- (a) that the primary recipient received legal aid under Part II of the ^{M5}Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 in connection with the proceedings in which the maintenance order was made, and
 - (b) that a sum remains unpaid on account of the contribution required of the primary recipient under Article 12 of that Order in respect of those proceedings.

Status: Point in time view as at 01/08/2014. This version of this provision has been superseded.

Changes to legislation: Social Security Administration (Northern Ireland) Act 1992, Section 103 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F10}(8) In this section “maintenance order” means an order for the making of periodical payments under any statutory provision prescribed for the purposes of this subsection.]

[^{F11}(9) In this section “the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark.]

Textual Amendments

- F1** S. 103(2D)(bb) inserted (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 30(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), Sch. Pt. 2 (with Sch. 2)
- F2** Word in s. 103(4)(a)(ii) inserted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 15(a)(i)**
- F3** Word in s. 103(4)(a) omitted (1.3.2002) by virtue of S.I. 2001/3929, arts. 1(b), 5, **Sch. 3 para. 25(a)**
- F4** S. 103(4)(a)(iv) and word repealed (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 15(a)(ii)**
- F5** S. 103(4)(a)(iv) inserted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 5, **Sch. 3 para. 25(c)**
- F6** S. 103(4)(aa) inserted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 15(b)**
- F7** Word in s. 103(4)(aa) repealed (coming into force in accordance with reg. 1(1) of the amending Rule) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), **Sch. 4 para. 3(a)**
- F8** S. 103(4)(ab) inserted (coming into force in accordance with reg. 1(1) of the amending Rule) by The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/413), reg. 1(1), **Sch. 4 para. 3(b)**
- F9** Words in s. 103(7) substituted (1.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), art. 1(2), **Sch. 4 para. 10(a)** (with art. 45); S.R. 2003/344, art. 4, **Sch. 2**
- F10** S. 103(8) substituted (27.10.2008) by Child Maintenance Act (Northern Ireland) 2008 (c. 10), s. 41(1), **Sch. 4 para. 2(2)**; S.R. 2008/399, art. 2(2)(c)
- F11** S. 103(9) inserted (18.6.2011) by The Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484), reg. 1(1), **Sch. 7 para. 15(c)**

Marginal Citations

- M1** 1950 c. 37.
- M2** 1966 c. 35 (N.I.).
- M3** 1982 c. 27.
- M4** 1972 c. 18.
- M5** S.I. 1981/228 (N.I. 8).

Status:

Point in time view as at 01/08/2014. This version of this provision has been superseded.

Changes to legislation:

Social Security Administration (Northern Ireland) Act 1992, Section 103 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.