
STATUTORY INSTRUMENTS

1993 No. 584

FAMILY LAW
CHILD SUPPORT

The Child Support (Northern Ireland
Reciprocal Arrangements) Regulations 1993

<i>Made</i>	- - - -	<i>10th March 1993</i>
<i>Laid before Parliament</i>		<i>15th March 1993</i>
<i>Coming into force</i>	- -	<i>5th April 1993</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by Section 56(3) and (4) of the Child Support Act 1991(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993 and shall come into force on 5th April 1993.

Adaptation of the Child Support Act 1991 and regulations in respect of child support

2.—(1) The provisions contained in the Memorandum of Arrangements set out in Schedule 1 to these Regulations shall have effect so far as the same relate to Great Britain.

(2) In particular and without prejudice to paragraph (1) above any act, omission and event which has effect for the purposes of the provision of the Northern Ireland legislation specified in column 2 of Schedule 2 to these Regulations shall also have effect as an act, omission and event for the purposes of the provision of the Child Support Act 1991 specified in the corresponding paragraph of column 1 of Schedule 2 to the said Regulations; and in the provisions specified in column 1 of Schedule 2 to these Regulations the references to—

- (a) “the Act” shall be construed as including references to the Child Support (Northern Ireland) Order 1991(2);
- (b) “the Secretary of State” shall be construed as including references to the Department of Health and Social Services for Northern Ireland;

(1) 1991 c. 48. Section 56(2) provides for the Secretary of State to make arrangements with the Department of Health and Social Services for Northern Ireland to secure provision for a single child support system within the United Kingdom.
(2) S.I.1991/2628 (N.I. 23).

- (c) any “child support officer” shall be construed as including references to such an officer appointed by the Department of Health and Social Services for Northern Ireland;
 - (d) “child support maintenance” shall be construed as including references to child support maintenance within the meaning of the Child Support (Northern Ireland) Order 1991;
- and cognate expressions shall be construed accordingly.

Signed by authority of the Secretary of State for Social Security.

10th March 1993

Alistair Burt
Parliamentary Under-Secretary of State,
Department of Social Security

SCHEDULE 1

Regulation 2(1)

Memorandum of Arrangements relating to the provision made for Child Support Maintenance in the United Kingdom between the Secretary of State for Social Security of the one part and the Department of Health and Social Services for Northern Ireland of the other part

Part 1

Interpretation and General Provisions

1. In this Memorandum, unless the context otherwise requires:

“the Act” means the Child Support Act 1991 and “the Order” means the Child Support (Northern Ireland) Order 1991;

“application”, for the purposes of Article 5, includes an application by an absent parent and an application under section 7 of the Act;

“determining authority” means, in relation to Great Britain, a child support officer, a child support appeal tribunal, a Child Support Commissioner, or a tribunal consisting of any three of the Child Support Commissioners, and appointed or constituted under the Act, and, in relation to Northern Ireland, a child support officer or a child support appeal tribunal appointed or constituted under the Order, a Child Support Commissioner for Northern Ireland appointed under the Act or a tribunal consisting of any two or three of the Child Support Commissioners for Northern Ireland constituted under the Order;

“parent with care” means a person who, in respect of the same child or children, is both a parent and a person with care;

“territory” means Great Britain or Northern Ireland, as the case may be.

2.—(1) Unless the context otherwise requires, in the application of this Memorandum to a territory, expressions used in this Memorandum shall have the same respective meanings as in the Act, in relation to Great Britain, or in the Order, in relation to Northern Ireland.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1978 shall apply for the purposes of the interpretation of this Memorandum as they apply for the purposes of the interpretation of an Act of Parliament or statutory instrument.

3.—(1) Subject to Articles 5 to 12 of this Memorandum, the provision made for Great Britain and the provision made for Northern Ireland shall operate as a single system within the United Kingdom.

(2) For the purposes of paragraph (1), all acts, omissions and events and in particular any application, declaration, direction, decision or order having effect for the provision made for Great Britain and having effect in that territory or for the provision made for Northern Ireland and having effect in that territory, shall have a corresponding effect for the purpose of the provision made for child support maintenance made in the other territory.

4. Nothing in this Memorandum shall require the payment of a fee under the provision made for one territory if such a fee is paid or liable to be paid in the same circumstances under the provision made for the other territory.

Part 2

Case Ownership

5.—(1) Subject to paragraphs (2) and (4), where two or more applications for a maintenance assessment are made in relation to the same absent parent or a person treated as such, under the provision made for one territory and under the provision made for the other territory, all the said applications shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care resides in respect of whom the first application was received.

(2) Subject to paragraph (4), where the applications specified in paragraph (1) include an application under section 7 of the Act by a qualifying child (right of child in Scotland to apply for assessment), all the applications shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care of the said qualifying child resides.

(3) Subject to paragraph (4), where a person with care whose application is dealt with under the provisions of paragraph (1) makes an application in respect of another absent parent, that further application shall be dealt with in, and in accordance with the provision made for, the territory specified in that paragraph.

(4) Where paragraphs (1), (2) or (3) apply, the determining authority shall, in determining the amount of child support maintenance to be fixed by any maintenance assessment, take into account in calculating that amount, any provisions which would otherwise have been applicable to that calculation had the assessment been made in accordance with the provision made for the other territory.

Part 3

Multiple Applications

6. Where—

- (a) no maintenance assessment is in force and an application for such an assessment is made in one territory and another such application is made in the other territory in respect of the same qualifying child or children and the same person with care and absent parent or parents or person treated as such; and
- (b) but for the fact that the person with care, and the absent parent or parents or person treated as such reside in different territories the provisions regarding multiple applications made under the provision for Great Britain or the provision made for Northern Ireland would apply,

those provisions shall have effect to determine which application shall be proceeded with.

Part 4

Disclosure of Information and Inspectors

7.—(1) Subject to paragraph (2) where the Secretary of State, the Department, or a child support officer appointed under the provision made for Great Britain or for Northern Ireland, has in his or its possession any information or evidence held for the purposes of the provision made for his or its territory, that information or evidence may be disclosed to the Secretary of State, the Department or the child support officer for the other territory for the purposes of the provision made for Great Britain or for Northern Ireland, as the case may be.

(2) Where information is disclosed under the provisions of paragraph (1), the provision made for Northern Ireland or, as the case may be, Great Britain, relating to unauthorised disclosure of information shall apply to that information.

8. Where in relation to a particular case, for the purposes of the provision made for one territory (the first provision) it is necessary for an inspector to be appointed, an inspector may be appointed under the provision for the other territory to exercise his powers of inspection for the purposes of the first provision.

Part 5

Appeals

9. Subject to Article 12, any appeal from any decision of a determining authority made under the provision for one territory shall be heard and determined—

- (a) in a case which is being dealt with in accordance with the provisions of Article 5 above, or
 - (b) in a case where the relevant persons to the appeal are resident in different territories,
- in, and in accordance with the provision made for, the territory in which case is being dealt with.

Part 6

Collection and Enforcement

10. Where a deduction from earnings order is made under the provision made for one territory and the liable person works for an employer in the other territory, the deduction from earnings order shall have effect in the territory in which the liable person works as if it was made under provision for that territory.

11. Where an application for a liability order is to be made against a liable person under the provision made for one territory and the liable person is resident in the other territory, the application shall be made under the provision for the territory in which the liable person is resident, notwithstanding the fact that the liability arose or the maintenance assessment was made under the provision for the other territory.

12. Where a deduction from earnings order has been applied or a liability order has been obtained in accordance with Articles 10 or 11, any appeal in connection with that deduction from earnings order or liability order or action as a consequence of the deduction from earnings order or liability order shall be made under the provision for the territory in which the liable person is resident.

Part 7

Administrative Procedures

13. The Secretary of State and the Department may from time to time determine the administrative procedures appropriate for the purposes of giving effect to this Memorandum.

Status: This is the original version (as it was originally made).

Part 8

Operative Date

14. The arrangements in this Memorandum shall come into effect on 5th April 1993 but either Party may terminate them by giving not less than six months notice in writing to the other.

SCHEDULE 2

Regulation 2(2)

ADAPTATION OF CERTAIN PROVISIONS OF THE CHILD SUPPORT ACT 1991

Column 1 Provisions of the Child Support Act 1991	Column 2 Provisions of the Child Support (Northern Ireland) Order 1991	Column 3 Subject Matter
Section 1	Article 5	The duty to maintain
Section 2	Article 6	Welfare of children: the general principle
Section 8	Article 10	Role of the courts with respect to maintenance for children
Section 9	Article 11	Agreements about maintenance
Section 10	Article 12	Relationship between maintenance assessments and certain court orders and related matters
Section 15	Article 17	Powers of inspectors
Section 29	Article 29	Collection of child support maintenance
Section 30	Article 30	Collection and enforcement of other forms of maintenance

Signed on 8th day of March 1993.

Peter Lilley
Secretary of State for Social Security

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 9th day of March 1993.

F. A. Elliott
Permanent Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect in Great Britain to reciprocal arrangements relating to matters for which provision is made in Great Britain by the Child Support Act 1991. The arrangements are contained in the Memorandum set out in Schedule 1 to the Regulations and have been made between the Secretary of State for Social Security and the Department of Health and Social Services for Northern Ireland.

The Regulations provide that certain matters to which the provisions of the Northern Ireland legislation relate (which are set out in Schedule 2 to the Regulations) have a corresponding effect in respect of the provisions of the Child Support Act 1991.