

1993 No. 584

FAMILY LAW
CHILD SUPPORT

The Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993

Made - - - - - 10th March 1993
Laid before Parliament - 15th March 1993
Coming into force - - 5th April 1993

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(a) 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 1¹ as amended by the² Exchanges of letters set out in Schedules³ 1A, 1B, 1C and 1D⁴ to these Regulations shall have effect so far as the same relate to Great Britain.

¹Words inserted into reg. 2(1) by reg. 53 of S.I. 1995/3261 as from 22.1.96.

(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 2² or column 2 of Schedule 3⁴ 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 2² or column 1 of Schedule 3 and for the purposes of the provision of the Family Law Act 1986(b) specified in the corresponding paragraph of column 1 of Schedule 3⁴ to the said Regulations; and in the provisions specified in column 1 of Schedule 2 to these Regulations the references to—

²Words substituted and inserted & para. (2)(c) omitted by reg. 2 of S.I. 2002/771 as from 16.4.02.

³Words substituted in reg. 2(1) by reg. 2(1) of S.I. 2014/1423 as from 30.6.14.

- (a) “the Act” shall be construed as including references to the Child Support (Northern Ireland) Order 1991(b);
- (b) “the Secretary of State” shall be construed as including references to the Department² for Social Development⁴;
- (c) ²;
- (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.

(a) 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.

(b) S.I. 1991/2628 (N.I. 23).

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.

►(5) Subject to paragraph (7), where an application for a maintenance assessment is made under the provisions for one territory in relation to an absent parent, a person treated as such, or an alleged absent parent, who resides in the other territory, that application shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care resides.

Art. 5(5)-(7) added by Sch. 1A to these Regulations, inserted by S.I. 1995/3261 as from 22.1.96.

(6) Subject to paragraph (7), where an application for a maintenance assessment is made under section 7 of the Act by a qualifying child, the application shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care of that child resides.

(7) Where paragraph (5) or (6) 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 6A

PARENTAGE

12A. Where a person with care resides in one territory and an alleged parent who denies that he is one of the parents of a child in respect of whom an application for a maintenance assessment has been made resides in the other territory:—

- (a) The person with care or the Secretary of State may apply for a declaration as to whether or not the alleged parent is one of the child's parents, under Article 28 of the Order;
- (b) The person with care or the Department of Health and Social Services may apply for such a declaration under section 27 of the Act; and
- (c) The Department of Health and Social Services may bring an action for declarator of parentage under the provisions of section 28 of the Act. ◀

Part 6A, comprising art. 12A, inserted by Sch. 1A to these Regulations, inserted by S.I. 1995/3261 as from 22.1.96.

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.

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.

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

Sch. 1A

Sch. 1A inserted by Sch. to S.I. 1995/3261 as from 22.1.96.

►SCHEDULE 1A

Regulation 2(1)

EXCHANGE OF LETTERS AMENDING THE MEMORANDUM OF ARRANGEMENTS RELATING TO THE PROVISION MADE FOR CHILD SUPPORT MAINTENANCE IN THE UNITED KINGDOM

No. 1

THE SECRETARY OF STATE FOR SOCIAL SECURITY AND THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND

7th November 1995

Sir,

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance 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 which came in to effect on 5 April 1993 (which in this letter is referred to as "the Principal Memorandum") and to recent discussions between the Department of Social Security and the Department of Health and Social Services for Northern Ireland concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour to propose the following amendments to the Principal Memorandum:

[Next come paragraphs inserting art. 5(5)-(7) and (under new heading "Part 6A") art. 12A into Sch. 1 to S.I. 1993/584.]

If the foregoing proposals are acceptable to you, I have the honour to propose that this letter and your reply to that effect shall constitute a Memorandum of Arrangements between us which shall come into effect on 21st January 1996.

Andrew Mitchell
For the Secretary of State for Social Security

No. 2

THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND TO THE SECRETARY OF STATE FOR SOCIAL SECURITY

8th November 1995

Sir

I refer to your letter of 7th November 1995 which reads as follows:

[Next comes text of letter at No.1 above.]

I have the honour to confirm that the foregoing proposals are acceptable to the Department of Health and Social Services for Northern Ireland and agree that your letter and this reply shall constitute a Memorandum of Arrangements between us which shall come into effect on 21st January 1996.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on the 8th day of November 1995.

F. A. Elliot
Permanent Secretary.◀

►SCHEDULE 1B

Regulation 2(1)

Sch. 1B inserted by reg.
3 of S.I. 2002/771 as
from 16.4.02.

EXCHANGE OF LETTERS AMENDING THE MEMORANDUM OF
ARRANGEMENTS RELATING TO THE PROVISION MADE FOR
CHILD SUPPORT MAINTENANCE IN THE UNITED KINGDOM

No. 1

THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR WORK
AND PENSIONS, WITH THE CONSENT OF THE TREASURY, TO THE
MINISTER FOR SOCIAL DEVELOPMENT

11th March 2002

Sir,

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance 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 which came into effect on 5th April 1993, as amended in accordance with the Exchange of Letters from the Secretary of State for Social Security to the Department of Health and Social Services for Northern Ireland of 7th November 1995 and from the Department of Health and Social Services for Northern Ireland to the Secretary of State for Social Security of 8th November 1995 (which Memorandum in its amended form is referred to in this letter as “the Principal Memorandum”). I refer also to recent discussions between the Department for Work and Pensions and the Department for Social Development concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour, with the consent of the Treasury, to propose the following amendments to the Principal Memorandum:

In Article 1—

- (a) after the definition of “the Act” there shall be inserted the following definition—

““the 2000 Act” means the Child Support, Pensions and Social Security Act 2000(a);”;
- (b) after the definition of “application” there shall be inserted the following definition
““the Department” means the Department for Social Development;”;
and
- (c) for the definition of “determining authority” there shall be substituted the following definition—

““determining authority” means, in relation to Great Britain, the Secretary of State, an appeal tribunal or a Commissioner, and, in relation to Northern Ireland, the Department, an appeal tribunal or a Commissioner;”.

After Article 1 there shall be inserted—

“1A.—(1) In these arrangements—

(a) 2000 c. 19

- (a) references to a maintenance assessment shall, in relevant cases, include references to a maintenance calculation;
- (b) references to an absent parent shall, in relevant cases, include references to a non-resident parent; and
- (c) references to cases where an application for a maintenance assessment is made shall, in relevant cases, include references to cases where an application for a maintenance calculation is treated as having been made.

(2) In this Article, “relevant cases” means cases for the purposes of which section 1 of the 2000 Act has come into force or cases for the purposes of which section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(a) has come into operation.”.

Article 3 shall be amended as follows—

- (a) in paragraph (1), for the word “12”, there shall be substituted the word “12A”; and
- (b) in paragraph (2), after the word “decision” there shall be inserted the word “, determination”.

Article 7(1) shall be amended as follows—

- (a) for the words “, the Department, or a child support officer appointed under the provision made for Great Britain or for Northern Ireland,” there shall be substituted the words “or the Department”; and
- (b) for the words “, the Department or the child support officer for the other territory”, there shall be substituted the words “or the Department”.

Article 12A shall be amended as follows—

- (a) in paragraph (a), for the words “Article 28 of the Order” there shall be substituted the words “Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(b)”;
- (b) in paragraph (b), for the words “section 27 of the Act” there shall be substituted the words “section 55A of the Family Law Act 1986(c)”; and
- (c) in paragraphs (b) and (c), the words “of Health and Social Services” shall be omitted on each occasion where they occur.

If the foregoing proposals are acceptable to you, I have the honour to propose that this letter and your reply to that effect shall constitute a Memorandum of Arrangements between us which shall come into effect on 16th April 2002.

Signed by authority of the Secretary of State for Work and Pensions

11th March 2002

P. Hollis
Parliamentary Under-Secretary of State,
Department for Work and Pensions

We consent.

Anne McGuire
John Heppell
Two of the Lords Commissioners of Her Majesty’s Treasury

19th March 2002

(a) 2000 c. 4 (N.I.).
(b) S.I. 1998/677 (N.I. 4).
(c) 1986 c. 55

No. 2

THE MINISTER FOR SOCIAL DEVELOPMENT, WITH THE CONSENT
OF THE DEPARTMENT OF FINANCE AND PERSONNEL, TO THE
PARLIAMENTARY UNDER-SECRETARY OF STATE FOR WORK AND
PENSIONS

14th March 2002

Madam,

I refer to your letter of 11th March 2002 which reads as follows:

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance 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 which came into effect on 5th April 1993, as amended in accordance with the Exchange of Letters from the Secretary of State for Social Security to the Department of Health and Social Services for Northern Ireland of 7th November 1995 and from the Department of Health and Social Services for Northern Ireland to the Secretary of State for Social Security of 8th November 1995 (which Memorandum in its amended form is referred to in this letter as “the Principal Memorandum”). I refer also to recent discussions between the Department for Work and Pensions and the Department for Social Development concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour, with the consent of the Treasury, to propose the following amendments to the Principal Memorandum:

In Article 1—

- (a) after the definition of “the Act” there shall be inserted the following definition—
 - ““the 2000 Act” means the Child Support, Pensions and Social Security Act 2000(a);”;
- (b) after the definition of “application” there shall be inserted the following definition—
 - ““the Department” means the Department for Social Development;”;
 - and
- (c) for the definition of “determining authority” there shall be substituted the following definition—
 - ““determining authority” means, in relation to Great Britain, the Secretary of State, an appeal tribunal or a Commissioner, and, in relation to Northern Ireland, the Department, an appeal tribunal or a Commissioner;”.

After Article 1 there shall be inserted—

“ 1A.—(1) In these arrangements—

- (a) references to a maintenance assessment shall, in relevant cases, include references to a maintenance calculation;
- (b) references to an absent parent shall, in relevant cases, include references to a non-resident parent; and
- (c) references to cases where an application for a maintenance assessment is made shall, in relevant cases, include references to cases where an application for a maintenance calculation is treated as having been made.

(a) 2000 c. 19.

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ARRANGEMENTS) REGULATIONS 1993

(2) In this Article, “relevant cases” means cases for the purposes of which section 1 of the 2000 Act has come into force or cases for the purposes of which section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(a) has come into operation.”.

Article 3 shall be amended as follows—

- (a) in paragraph (1), for the word “12”, there shall be substituted the word “12A”; and
- (b) in paragraph (2), after the word “decision” there shall be inserted the word “, determination”.

Article 7(1) shall be amended as follows—

- (a) for the words “, the Department, or a child support officer appointed under the provision made for Great Britain or Northern Ireland,” there shall be substituted the words “or the Department”; and
- (b) for the words “, the Department or the child support officer for the other territory”, there shall be substituted the words “or the Department”.

Article 12A shall be amended as follows—

- (a) in paragraph (a), for the words “Article 28 of the Order” there shall be substituted the words “Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(b)”;
- (b) in paragraph (b), for the words “section 27 of the Act” there shall be substituted the words “section 55A of the Family Law Act 1986(c)”; and
- (c) in paragraphs (b) and (c), the words “of Health and Social Services” shall be omitted on each occasion where they occur.”.

I have the honour to confirm, with the consent of the Department of Finance and Personnel, that the foregoing proposals are acceptable to the Minister for Social Development, and agree that your letter and this reply shall constitute a Memorandum of Arrangements between us which shall come into effect on 16th April 2002.

Sealed with the Official Seal of the Department for Social Development on 14th March 2002.

Nigel Dodds
Minister for Social Development

The Department of Finance and Personnel hereby consents.

Sealed with the Official Seal of the Department of Finance and Personnel on 19th March 2002.

N. Taylor
Senior Officer of the Department of Finance and Personnel.◀

(a) 2000 c. 4 (N.I.).

(b) S.I. 1989/677 (N.I. 4).

(c) 1986 c. 55.

►¹SCHEDULE 1C

EXCHANGE OF LETTERS AMENDING THE MEMORANDUM OF
ARRANGEMENTS RELATING TO THE PROVISION MADE FOR
CHILD SUPPORT MAINTENANCE IN THE UNITED KINGDOM

¹Sch. 1C inserted by reg.
2(3) of S.I. 2012/2380
as from 29.10.12.

No. 1

THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR WORK
AND PENSIONS, WITH THE CONSENT OF THE TREASURY, TO THE
MINISTER FOR SOCIAL DEVELOPMENT

9 August 2012

Sir,

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance 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 which came into effect on 5th April 1993, as amended in accordance with—

- (a) the Exchange of Letters from the Secretary of State for Social Security to the Department of Health and Social Services for Northern Ireland of 7th November 1995 and from the Department of Health and Social Services for Northern Ireland to the Secretary of State for Social Security of 8th November 1995; and
- (b) the Exchange of Letters from the Parliamentary Under-Secretary of State for Work and Pensions to the Minister for Social Development of 11th March 2002 and from the Minister for Social Development to the Parliamentary Under-Secretary of State for Work and Pensions of 14th March 2002,

(which Memorandum in its amended form is referred to in this letter as “the Principal Memorandum”).

I refer also to recent discussions between the Department for Work and Pensions and the Department for Social Development concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour, with the consent of the Treasury, to propose the following amendments to the Principal Memorandum:

In Article 5—

- (a) in paragraph (1) for “and (4)” substitute “, (4) and (8)”;
- (b) in paragraph (2) for “paragraph (4)” substitute “paragraphs (4) and (8)”;
- (c) in paragraph (3) for “paragraph (4)” substitute “paragraphs (4) and (8)”;
- (d) in paragraph (5) for “paragraph (7)” substitute “paragraphs (7) and (8)”;
- (e) in paragraph (6) for “paragraph (7)” substitute “paragraphs (7) and (8)”;
- (f) after paragraph (7) insert the following paragraphs—
“(8) An application for a maintenance calculation which is to be determined in accordance with the new calculation rules shall be dealt with in, and in accordance with the provision made for, the territory in which the person who is, or is treated as or alleged to be, the non-resident parent in relation to that application resides.

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ARRANGEMENTS) REGULATIONS 1993

(9) Where paragraph (8) applies to an application for a maintenance calculation and there is an existing case in respect of which the same person is, or is treated as or alleged to be, the non-resident parent, that case shall also be dealt with (insofar as it is not already) in, and in accordance with the provision made for, the territory in which that person resides.

(10) For the purpose of paragraphs (8) and (9), where the person who is, or is treated as or alleged to be, the non-resident parent in relation to the application falls within section 44(2A) of the Act, or Article 41(2A) of the Order that person shall be treated as if residing in Great Britain.

(11) In this Article—

“existing case” means any case where the maintenance assessment or maintenance calculation is made, or will fall to be made, otherwise than in accordance with the new calculation rules;

“new calculation rules” means Part 1 of Schedule 1 to the Act as amended by Schedule 4 to the Child Maintenance and Other Payments Act 2008, or Part 1 of Schedule 1 to the Order as amended by Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008.

(12) In paragraphs (9) and (10), where relevant, references to non-resident parent include references to absent parent.”

If the foregoing proposals are acceptable to you, I have the honour to propose that this letter and your reply to that effect shall constitute a Memorandum of Arrangements between us which it is proposed shall come into effect on 29th October 2012.

Signed by authority of the Secretary of State for Work and Pensions.

Maria Miller

Parliamentary Under-Secretary of State,
Department for Work and Pensions

9th August 2012

We consent

Jeremy Wright
Brooks Newmark

4th September 2012 Two of the Lords Commissioners of Her Majesty’s Treasury

No. 2

THE MINISTER FOR SOCIAL DEVELOPMENT, WITH THE CONSENT
OF THE DEPARTMENT OF FINANCE AND PERSONNEL, TO THE
PARLIAMENTARY UNDER-SECRETARY OF STATE FOR WORK AND
PENSIONS

10th September 2012

Madam,

I refer to your letter of 9th August 2012 which reads as follows:

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance 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 which came into effect on 5th April 1993, as amended in accordance with—

- (a) the Exchange of Letters from the Secretary of State for Social Security to the Department of Health and Social Services for Northern Ireland of 7th November 1995 and from the Department of Health and Social Services for Northern Ireland to the Secretary of State for Social Security of 8th November 1995; and
- (b) the Exchange of Letters from the Parliamentary Under-Secretary of State for Work and Pensions to the Minister for Social Development of 11th March 2002 and from the Minister for Social Development to the Parliamentary Under-Secretary of State for Work and Pensions of 14th March 2002,

(which Memorandum in its amended form is referred to in this letter as “the Principal Memorandum”).

I refer also to recent discussions between the Department for Work and Pensions and the Department for Social Development concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour, with the consent of the Treasury, to propose the following amendments to the Principal Memorandum:

In Article 5–

- (a) in paragraph (1) for “and (4)” substitute “, (4) and (8)”;
- (b) in paragraph (2) for “paragraph (4)” substitute “paragraphs (4) and (8)”;
- (c) in paragraph (3) for “paragraph (4)” substitute “paragraphs (4) and (8)”;
- (d) in paragraph (5) for “paragraph (7)” substitute “paragraphs (7) and (8)”;
- (e) in paragraph (6) for “paragraph (7)” substitute “paragraphs (7) and (8)”;
- (f) after paragraph (7) insert the following paragraphs–
 - “(8) An application for a maintenance calculation which is to be determined in accordance with the new calculation rules shall be dealt with in, and in accordance with the provision made for, the territory in which the person who is, or is treated as or alleged to be, the non-resident parent in relation to that application resides.
 - (9) Where paragraph (8) applies to an application for a maintenance calculation and there is an existing case in respect of which the same person is, or is treated as or alleged to be, the non-resident parent, that case shall also be dealt with (insofar as it is not already) in, and in accordance with the provision made for, the territory in which that person resides.
 - (10) For the purpose of paragraphs (8) and (9), where the person who is, or is treated as or alleged to be, the non-resident parent in relation to the application falls within section 44(2A) of the Act, or Article 41(2A) of the Order, that person shall be treated as if residing in Great Britain.
 - (11) In this Article–
 - “existing case” means any case where the maintenance assessment or maintenance calculation is made, or will fall to be made, otherwise than in accordance with the new calculation rules;
 - “new calculation rules” means Part 1 of Schedule 1 to the Act as amended by Schedule 4 to the Child Maintenance and Other Payments Act 2008, or Part 1 of Schedule 1 to the Order as amended by Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008.
 - (12) In paragraphs (9) and (10), where relevant, references to non-resident parent include references to absent parent.”

I have the honour to confirm, with the consent of the Department of Finance and Personnel, that the foregoing proposals are acceptable to the Minister for Social Development, and agree that your letter and this reply shall constitute a Memorandum of Arrangements between us which it is proposed shall come into effect on 29th October 2012.

Nelson McCausland
Minister for Social Development

The Department of Finance and Personnel hereby consents.

Sealed with the Official Seal of the Department of Finance and Personnel on 10th September 2012.

John McKibbin
Senior Officer of the Department of Finance and Personnel ◀

¹Sch. 1D inserted by
reg. 2(3) of S.I. 2014/
1423 as from 30.6.14.

▶¹SCHEDULE 1D

Regulation 2(1)

EXCHANGE OF LETTERS AMENDING THE MEMORANDUM OF
ARRANGEMENTS RELATING TO THE PROVISION MADE FOR
CHILD SUPPORT MAINTENANCE IN THE UNITED KINGDOM

NO. 1

THE MINISTER OF STATE FOR WORK AND PENSIONS WITH THE
CONSENT OF THE TREASURY, TO THE MINISTER FOR SOCIAL
DEVELOPMENT

14th May 2014

Sir,

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance 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 which came into effect on 5th April 1993, as amended in accordance with—

- (a) the Exchange of Letters from the Secretary of State for Social Security to the Department of Health and Social Services for Northern Ireland of 7th November 1995 and from the Department of Health and Social Services for Northern Ireland to the Secretary of State for Social Security of 8th November 1995;
- (b) the Exchange of Letters from the Parliamentary Under-Secretary of State for Work and Pensions to the Minister for Social Development of 11th March 2002 and from the Minister for Social Development to the Parliamentary Under-Secretary of State for Work and Pensions of 14th March 2002; and
- (c) the Exchange of Letters from the Parliamentary Under-Secretary of State for Work and Pensions to the Minister for Social Development of 9th August 2012 and from the Minister for Social Development to the Parliamentary Under-Secretary of State for Work and Pensions of 10th September 2012;

(which Memorandum in its amended form is referred to in this letter as “the Principal Memorandum”).

I refer also to recent discussions between the Department for Work and Pensions and the Department for Social Development concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour, with the consent of the Treasury, to propose the following amendments to the Principal Memorandum:

In Article 5–

(a) for paragraph (8) substitute–

“(8) An application for a maintenance calculation which is to be determined in accordance with the new calculation rules shall be dealt with in and in accordance

(a) for paragraph (8) substitute–

“(8) An application for a maintenance calculation which is to be determined in accordance with the new calculation rules shall be dealt with in, and in accordance with the provision made for, the territory in which the person who makes the application resides until–

(a) where the applicant resides in Great Britain–

(i) the application is taken to have been made for purposes of regulation 9(2) (applications under section 4 or 7 of the Act) of the Child Support Maintenance Calculation Regulations 2012(a).

(ii) any application fee payable under regulation 3(1) of the Child Support Fees Regulations 2014(b) has been paid or waived in accordance with those Regulations.

(iii) the Secretary of State has ascertained and verified the address of the non-resident parent in relation to the application, and

(iv) where the application is one to which paragraph (8A) or (8B) applies, the condition in that paragraph is satisfied; or

(b) where the applicant resides in Northern Ireland–

(i) the application is taken to have been made for the purposes of regulation 9(2) (applications under Article 7) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(c).

(ii) the Department has ascertained and verified the address of the non-resident parent in relation to the application, and

(iii) where the application is one to which paragraph (8A) or (8B) applies, the condition in that paragraph is satisfied,

from which point the case shall be dealt with in, and in accordance with the provision made for, the territory in which the non-resident parent in relation to the application resides.”;

(b) after paragraph (8), insert–

“(8A) Where there is an existing case related to the application, in relation to which the interested parties have been required to choose whether or not to stay in the statutory scheme (under Schedule 5 to the 2008 Act(d) or Schedule 2 to the Child Maintenance Act (Northern Ireland) 2008(e)) as a result of that application, the condition is that any liability end date in relation to that existing case must have passed.

(a) S.I. 2012/2677.

(b) S.I. 2014/612.

(c) S.R. 2012 No. 427.

(d) Schedule 5 was amended by section 136 of the Welfare Reform Act 2012.

(e) 2008 c. 10 (N.I.)

“(8B) Where the applicant has chosen to remain in the statutory scheme, in response to being required to choose in an existing case whether or not to stay in the statutory scheme (under Schedule 5 to the 2008 Act or Schedule 2 to the Child Maintenance Act (Northern Ireland) 2008), the condition is that the liability end date in relation to that existing case must have passed.

(8C) For the purposes of paragraph (8A), an existing case is related to an application if–

- (a) the non-resident parent in relation to that application is also the non-resident parent in relation to the existing case and the person with care in relation to that application is not the person with care in relation to the existing case, or
- (b) the non-resident parent in relation to that application is a partner of a non-resident parent in relation to the existing case and either or both are in receipt of a benefit prescribed by regulations made under paragraph 4(1)(c) (flat rate) of Schedule 1 to the Act^(a) or paragraph 4(1)(c) (flat rate) of Schedule 1 to the Order^(b).

(8D) For the purposes of paragraphs (8) and (8C), a non-resident parent includes a person who is treated as or alleged to be a non-resident parent.”;

(c) paragraph (9) is omitted;

(d) in paragraph (10)–

- (i) for “paragraphs” substituted “paragraph”,
- (ii) omit “and (9)”;

(e) in paragraph (11)–

(i) before the definition of “existing case” insert–

““the 2008 Act” means the Child Maintenance and Other Payments Act 2008(c);”,

(ii) insert the following definitions where they fall alphabetically–

““interested parties” means the non-resident parent, the person with care and, in the case of an application made by a qualifying child under section 7(1) of the Act, or a maintenance calculation or assessment made in response to an application under that section, the child in question;”,

““liability end date” means the date determined in accordance with–

- (a) regulations made under Schedule 5 (maintenance calculations: transfer of cases to new rules) to the 2008 Act as the date beyond which no further liability accrues in relation to the existing case for the purposes of paragraph 5(1) and (2) of that Schedule, or
- (b) regulations made under Schedule 2 (maintenance calculations: transfer of cases to new rules) to the Child Maintenance Act (Northern Ireland) 2008 as the date beyond which no further liability accrues in relation to the existing case for the purposes of paragraph 5(1) and (2) of that Schedule;”,

““partner” means a person falling within the definition of “partner” given in paragraph 10C(4) of Schedule 1 (maintenance calculations - reference to various terms) to the Act or paragraph 10C(4) of Schedule 1 (maintenance calculations - reference to various terms) to the Order;”,

(a) The substitution of Part 1 of Schedule 1 to the Act by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act 2000 (c. 19) was partially commenced for the types of cases specified in article 3 of the Child Support, Pensions and Social Security Act 2000 (Commencement No. 12) Order 2003 (S.I. 2003/192).

(b) The substitution of Part 1 of Schedule 1 to the Order by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) was partially commenced for the types of cases specified in Article 3 of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 9) Order (Northern Ireland) 2003 (S.R. 2003 No. 53).

(c) 2008 c. 6.

(f) in paragraph (12), for “(9) and (10)” substituted “(8C), (8D), (10) and (11)”.

If the foregoing proposals are acceptable to you, I have the honour to propose that this letter and your reply to that effect shall constitute a Memorandum of Arrangements between us which it is proposed shall come into effect on 30th June 2014”.

Signed by authority of the Secretary of State for Work and Pensions.

14th May 2014

Steve Webb
Minister of State
Department for Work and Pensions.

12th May 2014

Sam Gyimah
Mark Lancaster
Two of the Lords Commissioners of Her Majesty’s Treasury.

NO. 2

THE MINISTER FOR SOCIAL DEVELOPMENT, WITH THE CONSENT
OF THE DEPARTMENT OF FINANCE AND PERSONNEL, TO THE
MINISTER OF STATE FOR WORK AND PENSIONS

Sir,

I refer to your letter of 14th May 2014 which reads as follows:

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance 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 which came into effect on 5th April 1993, as amended in accordance with—

- (a) the Exchange of Letters from the Secretary of State for Social Security to the Department of Health and Social Services for Northern Ireland of 7th November 1995 and from the Department of Health and Social Services for Northern Ireland to the Secretary of State for Social Security of 8th November 1995;
- (b) the Exchange of Letters from the Parliamentary Under-Secretary of State for Work and Pensions to the Minister for Social Development of 11th March 2002 and from the Minister for Social Development to the Parliamentary Under-Secretary of State for Work and Pensions of 14th March 2002; and
- (c) the Exchange of Letters from the Parliamentary Under-Secretary of State for Work and Pensions to the Minister for Social Development of 9th August 2012 and from the Minister for Social Development to the Parliamentary Under-Secretary of State for Work and Pensions of 10th September 2012;

(which Memorandum in its amended form is referred to in this letter as “the Principal Memorandum”).

I refer also to recent discussions between the Department for Work and Pensions and the Department for Social Development concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

CHILD SUPPORT (NORTHERN IRELAND RECIPROCAL ARRANGEMENTS) REGULATIONS 1993

I now have the honour, with the consent of the Treasury, to propose the following amendments to the Principal Memorandum:

In Article 5–

(a) for paragraph (8) substitute–

“(8) An application for a maintenance calculation which is to be determined in accordance with the new calculation rules shall be dealt with in, and in accordance with the provision made for, the territory in which the person who makes the application resides until–

(a) where the applicant resides in Great Britain–

- (i) the application is taken to have been made for purposes of regulation 9(2) (applications under section 4 or 7 of the Act) of the Child Support Maintenance Calculation Regulations 2012(a).
- (ii) any application fee payable under regulation 3(1) of the Child Support Fees Regulations 2014(b) has been paid or waived in accordance with those Regulations.
- (iii) the Secretary of State has ascertained and verified the address of the non-resident parent in relation to the application, and
- (iv) where the application is one to which paragraph (8A) or (8B) applies, the condition in that paragraph is satisfied; or

(b) where the applicant resides in Northern Ireland–

- (i) the application is taken to have been made for the purposes of regulation 9(2) (applications under Article 7) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(c).
- (ii) the Department has ascertained and verified the address of the non-resident parent in relation to the application, and
- (iii) where the application is one to which paragraph (8A) or (8B) applies, the condition in that paragraph is satisfied,

from which point the case shall be dealt with in, and in accordance with the provision made for, the territory in which the non-resident parent in relation to the application resides.”;

(b) after paragraph (8), insert–

“(8A) Where there is an existing case related to the application, in relation to which the interested parties are required, as a result of the application, to choose whether or not to stay in the statutory scheme (under Schedule 5 to the 2008 Act(d) or Schedule 2 to the Child Maintenance Act (Northern Ireland) 2008(e)), the condition is that any liability end date in relation to that existing case must have passed.

“(8B) Where the applicant has chosen to remain in the statutory scheme, in response to being required to choose in an existing case whether or not to stay in the statutory scheme (under Schedule 5 to the 2008 Act or Schedule 2 to the Child Maintenance Act (Northern Ireland) 2008), the condition is that the liability end date in relation to that existing case must have passed.

(8C) For the purposes of paragraph (8A), an existing case is related to an application if–

- (a) the non-resident parent in relation to that application is also the non-resident parent in relation to the existing case and the person with care in relation to that application is not the person with care in relation to the existing case, or

(a) S.I. 2012/2677.

(b) S.I. 2014/612.

(c) S.R. 2012 No. 427.

(d) Schedule 5 was amended by section 136 of the Welfare Reform Act 2012.

(e) 2008 c. 10 (N.I.)

- (b) the non-resident parent in relation to that application is a partner of a non-resident parent in relation to the existing case and either or both are in receipt of a benefit prescribed by regulations made under paragraph 4(1)(c) (flat rate) of Schedule 1 to the Act^(a) or paragraph 4(1)(c) (flat rate) of Schedule 1 to the Order^(b).
- (8D) For the purposes of paragraphs (8) and (8C), a non-resident parent includes a person who is treated as or alleged to be a non-resident parent.”;
- (c) paragraph (9) is omitted;
- (d) in paragraph (10)–
- (i) for “paragraphs” substituted “paragraph”,
- (ii) omit “and (9)”;
- (e) in paragraph (11)–
- (i) before the definition of “existing case” insert–
““the 2008 Act” means the Child Maintenance and Other Payments Act 2008^(c)”;
- (ii) insert the following definitions where they fall alphabetically–
““interested parties” means the non-resident parent, the person with care and, in the case of an application made by a qualifying child under section 7(1) of the Act, or a maintenance calculation or assessment made in response to an application under that section, the child in question”;
- ““liability end date” means the date determined in accordance with–
- (a) regulations made under Schedule 5 (maintenance calculations: transfer of cases to new rules) to the 2008 Act as the date beyond which no further liability accrues in relation to the existing case for the purposes of paragraph 5(1) and (2) of that Schedule, or
- (b) regulations made under Schedule 2 (maintenance calculations: transfer of cases to new rules) to the Child Maintenance Act (Northern Ireland) 2008 as the date beyond which no further liability accrues in relation to the existing case for the purposes of paragraph 5(1) and (2) of that Schedule”;
- ““partner” means a person falling within the definition of “partner” given in paragraph 10C(4) of Schedule 1 (maintenance calculations - reference to various terms) to the Act or paragraph 10C(4) of Schedule 1 (maintenance calculations - reference to various terms) to the Order”;
- (f) in paragraph (12), for “(9) and (10)” substituted “(8C), (8D), (10) and (11)”.

I have the honour to confirm, with the consent of the Department of Finance and Personnel, that the foregoing proposals are acceptable and agree that this letter and this reply shall constitute a Memorandum of Arrangements between us which it is proposed shall come into effect on 30th June 2014”.

Sealed with the Official Seal of the Department for Social Development on 21st May 2014.

Nelson McCausland
Minister for Social Development

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- (a) The substitution of Part 1 of Schedule 1 to the Act by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act 2000 (c. 19) was partially commenced for the types of cases specified in article 3 of the Child Support, Pensions and Social Security Act 2000 (Commencement No. 12) Order 2003 (S.I. 2003/192).
- (b) The substitution of Part 1 of Schedule 1 to the Order by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) was partially commenced for the types of cases specified in Article 3 of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 9) Order (Northern Ireland) 2003 (S.R. 2003 No. 53).

CHILD SUPPORT (NORTHERN IRELAND RECIPROCAL
ARRANGEMENTS) REGULATIONS 1993

The Department of Finance and Personnel hereby consents.

Sealed with the Official Seal of the Department of Finance and Personnel on 21st May 2014.

John McKibbin

Senior Officer of the Department of Finance and Personnel ◀

SCHEDULE 2

Regulation 2(2)

ADAPTATION OF CERTAIN PROVISIONS OF
THE CHILD SUPPORT ACT 1991

<i>Provisions of the Child Support Act 1991</i>	<i>Provisions of the Child Support (Northern Ireland) Order 1991</i>	<i>Subject Matter</i>
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
▶ ¹ Section 14A	Article 16A	Information - offences ◀
Section 15	Article 17	Powers of inspectors
▶ ¹ ◀		
Section 29	Article 29	Collection of child support maintenance
Section 30	Article 30	Collection and enforcement of other forms of maintenance

¹Entry in Sch.2 inserted and deleted by reg. 4 of S.I. 2002/771 as from 16.4.02.

►¹SCHEDULE 3

Regulation 2(2) ¹Sch. 3 inserted by reg.
5 of S.I. 2002/771 as
from 16.4.02.

ADAPTATION OF THE CHILD SUPPORT ACT 1991 AND THE FAMILY
LAW ACT 1986(a) FOR THE PURPOSES OF THE CHILD SUPPORT
ACT 1991

<i>Provisions of the Child Support Act 1991 (“the 1991 Act”) or the Family Law Act 1986 (“the 1986 Act”)</i>	<i>Provisions of the Matrimonial Proceedings (Northern Ireland) Order 1989(b)</i>	<i>Subject Matter</i>
Section 28 of the 1991 Act	Article 31B	Application for declaration of parentage for the purposes of the 1991 Act
Section 55A of the 1986 Act	Article 31B	Application for declaration of parentage for the purposes of the 1991 Act.◀

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.

(a) 1986 c. 55.

(b) S.I. 1989/677 (N.I. 4).

