2008 CHAPTER 10

PART 3

GENERAL

Regulations: general

36.—(1) Power to make regulations under this Act includes power to make incidental, supplementary, consequential or transitional provision or savings.

(2) Power to make regulations under this Act may be exercised so as to provide for a person to exercise a discretion in dealing with any matter.

(3) Subject to the following provisions of this section, any regulations made under this Act shall be subject to negative resolution.

(4) Regulations under section 3(1) or (4) or the first regulations under paragraphs 2(1), 3(1), 5(1) or (2), 6(1) or (3) or 7 of Schedule 2—

(a) must be laid before the Assembly after being made; and

(b) take effect on such date as may be specified in the regulations, but (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of 6 months from that date unless at some time before the expiration of that period the regulations are approved by a resolution of the Assembly.

(5) This subsection applies to any regulations under this Act which—

(a) but for subsection (6), would be subject to negative resolution, and

(b) are contained in a statutory rule which includes any regulations subject to the confirmatory procedure.

(6) Any regulations to which subsection (5) applies shall not be subject to negative resolution, but shall be subject to the confirmatory procedure.

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(7) In this section "the confirmatory procedure" means the procedure described in subsection (4).

General interpretation

37.—(1) In this Act—

"the Child Support Order" means the Child Support (Northern Ireland) Order 1991 (NI 23);

"the Department" means the Department for Social Development;

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

(2) Where—

(a) this Act amends or repeals a statutory provision contained in the Child Support Order which has been amended by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), and

(b) the amendment by the 2000 Act has been brought into operation for limited purposes only,

the reference to the statutory provision shall, unless the contrary intention appears, be read as a reference to the statutory provision as it has effect apart from the 2000 Act, as well as to the statutory provision as amended by that Act.

Commencement Information

I1 S. 37 wholly in operation at 9.7.2008; s. 37(1) in operation at Royal Assent, see s. 41(1); s. 37(2) in operation at 9.7.2008 by S.R. 2008/291, **art. 2(5)**

Minor and consequential amendments

38.—(1) Schedule 4 (which makes minor and consequential amendments) has effect.

(2) The Department may by regulations make provision consequential on this Act amending, repealing or revoking any statutory provision.

Commencement Information

I2 S. 38 partly in operation; s. 38 not in operation at Royal Assent see s. 41(1); s. 38(2) in operation at 9.7.2008 by S.R. 2008/291, art. 2(5); s. 38(1) in operation for certain purposes at 27.10.2008 by S.R. 2008/399, art. 2(2)(b); s. 38(1) in operation for certain purposes at 1.11.2008 by S.R. 2008/419, art. 3(b); s. 38(1) in operation for certain purposes at 1.6.2009 and 3.8.2009 by S.R. 2009/216, **art. 2(1)(c)(2)(a)**

I3 S. 38(1) in operation at 3.12.2012 for specified purposes by S.R. 2012/423, **art. 2(1)(c)**

I4 S. 38(1) in operation at 10.12.2012 for specified purposes by S.R. 2012/440, **arts. 2(1)(c)**, 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

I5 S. 38(1) in operation at 29.7.2013 for specified purposes by S.R. 2013/201, **arts. 2(1)(c)**, 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 5)

I6 S. 38(1) in operation at 25.11.2013 for specified purposes by S.R. 2013/276, **art. 2(b)** (with arts. 3-5)

Repeals

39 The statutory provisions specified in Schedule 5 are repealed to the extent specified.

Commencement Information

I7 S. 39 partly in operation; s. 39 not in operation at Royal Assent see s. 41(1); s. 39 in operation for certain purposes at 27.10.2008 by S.R. 2008/399, art. 2(2)(b); s. 39 in operation for certain purposes at 1.11.2008 by S.R. 2008/419, art. 3(b); s. 39 in operation for certain purposes at 1.6.2009 by S.R. 2009/216, **art. 2(2)(a)**

I8 S. 39 in operation at 3.12.2012 for specified purposes by S.R. 2012/423, **art. 2(2)(e)**

I9 S. 39 in operation at 10.12.2012 for specified purposes by S.R. 2012/440, **arts. 2(1)(d)**, 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 4)

I10 S. 39 in operation at 29.7.2013 for specified purposes by S.R. 2013/201, **arts. 2(1)(d)**, 3 (with art. 4) (as modified (30.6.2014) by S.R. 2014/194, art. 5)

I11 S. 39 in operation at 25.11.2013 for specified purposes by S.R. 2013/276, **art. 2(d)** (with arts. 3-5)

Transition

40.—(1) The Department may, in relation to Article 9 or 43 of the Child Support Order, by regulations make provision for the Article to have effect with such modifications as the Department considers expedient in anticipation of the coming into operation of section 7.

(2) Articles 22(5A), 32A, 32E, 32F, 32J, 32L, 32M, 38C to 38E, 40A, 45A, 45B and 45D of the Child Support Order shall have effect as if "child support maintenance" included periodical payments required to be paid in accordance with a maintenance assessment under the Order.

(3) Articles 22(7A), 32A, 32C, 32E, 32F, 32J, 32L, 32M, 36B, 36G, 37, 37A and 45B of the Child Support Order shall have effect as if "maintenance calculation" included a maintenance assessment under the Order.

(4) Articles 35, 36B, 36G, 36J, 37, 37A and 45D of the Child Support Order shall have effect as if orders made under Article 33 of that Order had been made under Article 32M of that Order.

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(5) An order may be made under Article 32M of the Child Support Order in respect of an amount even though the time within which an application could have been instituted under Article 33 of that Order for an order in respect of that amount has expired

(6) The Department may by regulations make in connection with the coming into operation of any provision of this Act such transitional provision or savings as the Department considers necessary or expedient.

Commencement Information

I12 S. 40 wholly in operation at 9.7.2008; s. 40(6) in operation at Royal Assent, see s. 41(1); s. 40(1)-(5) in operation at 9.7.2008 by S.R. 2008/291, **art. 2(5)**

Commencement

41.—(1) This Act (except sections 36, 37(1), 40(6), this section and section 42) shall come into operation on such day or days as the Department may by order appoint.

(2) An order under subsection (1) may include such transitional provision or savings as the Department considers necessary or expedient in connection with bringing any provision of this Act into operation.

(3) An order under subsection (1) appointing the day on which section 30 is to come into operation may be made only with the consent of the Lord Chancellor.

Subordinate Legislation Made

P1 S. 41(1) power partly exercised: 9.7.2008 and 14.7.2008 appointed for specified provisions by S.R. 2008/291, **art. 2**;
5.8.2008 appointed for specified provisions by S.R. 2008/331, **art. 2**;
29.9.2008 and 27.10.2008 appointed for specified provisions by S.R. 2008/399, **art. 2** (with transitional and savings provisions in art. 3);
27.10.2008 and 1.11.2008 appointed for specified provisions by S.R. 2008/419, **arts. 2**, 3;
5.12.2008 appointed for specified provisions by S.R. 2008/489, **art. 2**;
1.6.2009 and 3.8.2009 appointed for specified provisions by S.R. 2009/216, **art. 2**;
26.11.2009 and 25.1.2010 appointed for specified provisions by S.R. 2009/380, **art. 2**;
20.12.2010 appointed for specified provision by S.R. 2010/416, **art. 2**

Short title

42 This Act may be cited as the Child Maintenance Act (Northern Ireland) 2008.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SR 2012/440 art. 3 by S.R. 2014/194 art. 4
- specified provision(s) amendment to earlier commencing SR 2013/201 art. 3 by S.R. 2014/194 art. 5

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(3) inserted by S.I. 2015/2006 (N.I.) art. 126(2)