SCHEDULES

[F1F2F3SCHEDULE 4A

DEPARTURE DIRECTIONS

F1 1995 NI 13
F2 prosp. in pt. subst. 2000 c. 4 (NI)
F3 see SR 2001/24 which am. and rep. for the purpose only of making regulations

Interpretation

1. In this Schedule—

"departure application" means an application for a departure direction;

"regulations" means regulations made by the Department;

Definition rep. by 1998 NI 10

Applications for departure directions

2. Regulations may make provision—

(a) as to the procedure to be followed in considering a departure application;

(b) as to the procedure to be followed when a departure application is referred to**[**F4 an appeal tribunal**]** under Article 28D(1)(b);

(c) for the giving of a direction by the Department as to the order in which, in a particular case,**[**F4 a decision on a departure application and a decision under Article 18 or 19 are to be made**]**;

(d) for the reconsideration of a departure application in a case where further information becomes available to the Department after the application has been determined.

F4 1998 NI 10

Completion of preliminary consideration

3. Regulations may provide for determining when the preliminary consideration of a departure application is to be taken to have been completed.

Information

4.—(1) Regulations may make provision for the use for any purpose of this Order of—

(a) information acquired by the Department in connection with an application for, or the making of, a departure direction;

(b) information acquired by[F5]. . . the Department in connection with an application for, or the making of, a maintenance assessment.

(2) If any information which is required (by regulations under this Order) to be furnished to the Department in connection with a departure application has not been furnished within such period as may be prescribed, the Department may nevertheless proceed to determine the application.

F5 1998 NI 10

Anticipation of change of circumstances

5.—(1) A departure direction may be given so as to provide that if the circumstances of the case change in such manner as may be specified in the direction a fresh maintenance assessment is to be made.

(2) Where any such provision is made, the departure direction may provide for the basis on which the amount of child support maintenance is to be fixed by the fresh maintenance assessment to differ from the basis on which the amount of child support maintenance was fixed by any earlier maintenance assessment made as a result of the direction.

Para. 6 rep. by 1998 NI 10

Subsequent departure directions

7.—(1) Regulations may make provision with respect to any departure application made with respect to a maintenance assessment which was made as a result of a departure direction.

(2) The regulations may, in particular, provide for the application to be considered by reference to the maintenance assessment which would have been made had the departure direction not been given.

Joint consideration of departure applications and appeals

8.—(1) Regulations may provide for two or more departure applications with respect to the same current assessment to be considered together.

(2) **[**[F6]An appeal tribunal**]** considering—

(a) a departure application referred to it under Article 28D(1)(b), or

(b) an appeal under Article 28H,

may consider it at the same time as hearing an appeal under Article 22 in respect of the current assessment, if it considers that to be appropriate.

F6 1998 NI 10

[[F7]Appeal tribunals**]**

F7 1998 NI 10

9.—(1) Regulations may provide that, in prescribed circumstances, where—

(a) a departure application is referred to**[**[F8] an appeal tribunal**]** under Article 28D(1)(b), or

(b) an appeal is brought under Article 28H, the application or appeal may be dealt with by a tribunal constituted by the chairman sitting alone.

(2) Sub-paragraph (1) does not apply in relation to any appeal which is being heard together with an appeal under Article 22.

F8 1998 NI 10

Current assessments which are replaced by fresh assessments

10. Regulations may make provision as to the circumstances in which prescribed references in this Order to a current assessment are to have effect as if they were references to any later maintenance assessment made with respect to the same persons as the current assessment.**]**

Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Northern Ireland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

- Sch. 4A para. 5(2) repealed by 2008 c. 10 (N.I.) Sch. 5

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order applied by S.R. 2014/191 reg. 7(1)
- Order applied in part (with modifications) by S.R. 2010/312 reg. 16Sch. 2
- Order power to apply (with modifications) conferred by 2008 c. 10 (N.I.) s. 3(4)
- Order transfer of functions by S.I. 2010/976 Sch. 17 para. 42
- Order words substituted by 2009 c. 1 (N.I.) Sch. 6 para. 1(1)(a)
- Order words substituted by 2009 c. 1 (N.I.) Sch. 6 para. 1(1)(b)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 9(1) Sch. 1 para. 9 renumbered as Sch. 1 para. 9(1) by 2008 c. 10 (N.I.) Sch. 1 para. 8(1)
- Sch. 1 para. 9(2) added by 2008 c. 10 (N.I.) Sch. 1 para. 8(4)
- Sch. 1 para. 5A and cross-heading inserted by 2008 c. 10 (N.I.) Sch. 1 para. 5(2)
- Sch. 1 para. 9(1)(ba) inserted by 2008 c. 10 (N.I.) Sch. 1 para. 8(3)
- Sch. 1 para. 9(1)(za) inserted by 2008 c. 10 (N.I.) Sch. 1 para. 8(2)
- Sch. 1 para. 5A(2) modified by S.R. 2012/428 reg. 3
- Sch. 1 para. 5A(2) modified by S.R. 2013/190 reg. 2
- Sch. 1 Pt. 1 words substituted by 2008 c. 10 (N.I.) Sch. 1 para. 2
- Sch. 1 Pt. 1 para. 10C(5A) omitted by S.I. 2019/1514 reg. 64(5)(b)
- Sch. 1 Pt. 1 para. 10C(5) substituted for Sch. 1 Pt. 1 para. 10C(5)(6) by S.I. 2019/1514 reg. 64(4)
- Sch. 1 Pt. 1 para. 6(5)(b)(i)(ii) substituted for Sch. 1 Pt. 1 para. 6(5)(b)(i)-(iii) by S.I. 2019/1514 reg. 64(5)(a)
- Sch. 1 Pt. 1 para. 5(4) words inserted by 2007 c. 2 (N.I.) Sch. 3 para. 2(8)
- art. 2(3) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(3)
- art. 4(4)(ba) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 16
- art. 7(2A) inserted by S.I. 2015/2006 (N.I.) art. 127(2)(b)
- art. 7(3A)-(3C) inserted by 2023 c. 24 s. 4(2)(a)
- art. 7(4)(d) and word inserted by 2023 c. 24 s. 4(2)(b)(ii)
- art. 11(2A) inserted by S.I. 2015/2006 (N.I.) art. 126(1)
- art. 11(6)(a)(b) and word repealed by 2008 c. 10 (N.I.) Sch. 5
- art. 11A inserted by S.I. 2015/2006 (N.I.) art. 128
- art. 16A(3A) inserted by 2008 c. 10 (N.I.) s. 27(1)
- art. 16A(3A) substituted by 2010 c. 13 (N.I.) s. 32(2)
- art. 16A(6) added by 2010 c. 13 (N.I.) s. 32(3)
- art. 19(1)(c) repealed by 2008 c. 10 (N.I.) Sch. 5
- art. 22(1)(ba) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(5)
- art. 22(2)(aa) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(6)
- art. 22(2A)-(2C) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 2
- art. 22(3A)-(3C) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 3
- art. 22(5A) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(7)
- art. 22(7A) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(8)
- art. 27(2)(b) words substituted by S.I. 2019/1514 reg. 64(2)
- art. 27(2)(b) words substituted by S.I. 2019/1514 reg. 64(2)
- art. 28D(2A)(2B) inserted by 2008 c. 10 (N.I.) s. 10(2)

- art. 28F(4)(a) words repealed by 2008 c. 10 (N.I.) Sch. 5
- art. 29(3)(c)(ca) substituted for art. 29(3)(c) by 2010 c. 13 (N.I.) s. 31(2)
- art. 29(3A) inserted by 2010 c. 13 (N.I.) s. 31(3)
- art. 29(4)-(7) added by 2008 c. 10 (N.I.) s. 12
- art. 29(4)-(7) excluded by S.R. 2016/390 reg. 6(1)
- art. 31(8)(9) substituted for art. 31(8) by 2008 c. 10 (N.I.) s. 13
- art. 32A-32D inserted by 2008 c. 10 (N.I.) s. 14
- art. 32E-32K inserted by 2008 c. 10 (N.I.) s. 15
- art. 32G(1) restricted by SR 1992/390 reg. 25N (as inserted) by S.R. 2009/286 reg. 2
- art. 32H(2)(b) restricted by SR 1992/390 reg. 25N (as inserted) by S.R. 2009/286 reg. 2
- art. 32L inserted by 2008 c. 10 (N.I.) s. 16
- art. 32L(5) words inserted by S.I. 2019/1514 reg. 64(3)
- art. 32M32N inserted by 2008 c. 10 (N.I.) s. 17
- art. 36B-36F inserted by 2008 c. 10 (N.I.) s. 18
- art. 36G-36O inserted by 2008 c. 10 (N.I.) s. 19
- art. 37(2A)-(2C) inserted by 2008 c. 10 (N.I.) s. 20(1)
- art. 37(10)-(10C) substituted for art. 37(10) by 2008 c. 10 (N.I.) s. 20(2)
- art. 37(12) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(14)
- art. 37A(A1)-(A4)(1) substituted for art. 37A(1) by 2008 c. 10 (N.I.) s. 21(1)
- art. 37A(10)-(10C) substituted for art. 37A(10) by 2008 c. 10 (N.I.) s. 21(2)
- art. 37A(12) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(17)
- art. 38A(5)(c)(d) repealed by 2008 c. 10 (N.I.) Sch. 4 para. 1(29)(a)
- art. 38C inserted by 2008 c. 10 (N.I.) s. 22
- art. 38D inserted by 2008 c. 10 (N.I.) s. 23
- art. 38E inserted by 2008 c. 10 (N.I.) s. 24
- art. 39(2)(g) added by 2008 c. 10 (N.I.) s. 28
- art. 40A inserted by 2008 c. 10 (N.I.) s. 29
- art. 41(4)(5) inserted by S.I. 2011/1484 Sch. 7 para. 22
- art. 41(4) omitted by S.I. 2019/519 Sch. para. 20(a)
- art. 41(5) omitted by S.I. 2019/519 Sch. para. 20(b)
- art. 45A inserted by 2008 c. 10 (N.I.) s. 25
- art. 45B45C inserted by 2008 c. 10 (N.I.) s. 30
- art. 45D inserted by 2008 c. 10 (N.I.) s. 31
- art. 46(1A)-(1C) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(19)
- art. 47A inserted by 2008 c. 10 (N.I.) s. 32
- art. 47A(6) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 4
- art. 48(2B) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(22)