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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 19**

**The Child Support (Transitional Provisions)  
Regulations (Northern Ireland) 2001**

**Part III**

**Amount Payable Following Conversion Decision**

**Amount of child support maintenance payable**

**9.**—(1) Where a decision of the Department is made as provided in regulation 3(1)(a) or (b), the amount of child support maintenance payable by the non-resident parent shall, on and from the case conversion date, including but not limited to those cases referred to in regulation 14, be the new amount, unless regulation 10 applies, in which case it shall be a transitional amount as provided for in regulations 11 to 28.

(2) Where a decision under regulation 3(1)(c) relates to a Category B or C interim maintenance assessment, regulations 10 to 28 shall apply as if references to a maintenance assessment included references to such an interim maintenance assessment.

(3) In this regulation the reference to Category B or C interim maintenance assessments, and in regulation 14(e) the reference to Category A or D interim maintenance assessments, are to those assessments within the meaning given in regulation 8(3) of the Maintenance Assessment Procedure Regulations<sup>(1)</sup>.

**Circumstances in which a transitional amount is payable**

**10.** This regulation applies where the new amount is a basic or reduced rate or, except where regulation 12, 13 or 14 applies, a flat rate of child support maintenance and—

- (a) the former assessment amount is greater than the new amount and when the former assessment amount is decreased by the phasing amount, the resulting figure is greater than the new amount; or
- (b) the former assessment amount is less than the new amount and when the former assessment amount is increased by the phasing amount, the resulting figure is less than the new amount.

**Transitional amount—basic, reduced and most flat rate cases**

**11.**—(1) Subject to paragraph (2) and regulation 25, in cases to which regulation 10 applies the transitional amount is the former assessment amount decreased, where that amount is greater than the new amount, or increased, where the latter amount is the greater, by the phasing amount.

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(1) Regulation 8(3) was substituted by regulation 3(3) of [S.R. 1995 No. 475](#) and amended by regulation 2(4) of [S.R. 1999 No. 167](#) and Article 8(2) of [S.R. 1999 No. 246 \(C. 20\)](#)

(2) Where regulation 10 applies and there is at the calculation date more than one maintenance assessment in relation to the non-resident parent—

- (a) the amount of child support maintenance payable from the case conversion date to each person with care shall be determined by apportioning the new amount as provided in paragraph 6 of Part I of Schedule 1 to the Order<sup>(2)</sup> and Regulations made under that Part; and
- (b) regulation 10 and paragraph (1) shall apply as if the references to the new amount were to the amount payable in respect of the person with care and the references to the former assessment amount were to that amount in respect of that person with care.

### **Transitional amount in flat rate cases**

**12.**—(1) Except where the former assessment amount is nil, where the new amount would be the first prescribed amount but is nil owing to the application of paragraph 8 of Part I of Schedule 1 to the Order the amount of child support maintenance payable for the year commencing on the case conversion date shall be a transitional amount equivalent to the second prescribed amount and thereafter shall be the new amount, nil.

(2) Except where the former assessment amount is nil, where the new amount would be the second prescribed amount but is nil owing to the application of paragraph 8 of Part I of Schedule 1 to the Order the amount of child support maintenance payable for the year commencing on the case conversion date shall be a transitional amount equivalent to half the second prescribed amount and thereafter shall be the new amount, nil.

(3) Where—

- (a) a non-resident parent has more than one qualifying child and in relation to them there is more than one person with care; and
- (b) the amount of child support maintenance payable from the case conversion date to one or some of those persons with care, but not all of them, would be nil owing to the application of paragraph 8 of Part I of Schedule 1 to the Order,

the amount of child support maintenance payable by the non-resident parent from the case conversion date shall be the new amount, apportioned as provided in paragraph 6 of Part I of Schedule 1 to the Order and Regulations made under it, unless paragraph (4) or (5) applies.

(4) Subject to paragraph (6), where the former assessment amount is less than the new amount by an amount which is more than the second prescribed amount or, where paragraph 4(2) of Part I of Schedule 1 to the Order applies to the non-resident parent, half the second prescribed amount, the amount of child support maintenance payable by the non-resident parent shall be as provided in paragraph (1) where paragraph 4(1)(b) of Part I of Schedule 1 to the Order applies, and as provided in paragraph (2) where paragraph 4(2) of that Schedule applies.

(5) Subject to paragraph (6), where the former assessment amount is greater than the new amount the amount of child support maintenance payable by the non-resident parent shall be the new amount unless the new amount is less than the second prescribed amount or, where paragraph 4(2) of Part I of Schedule 1 to the Order applies to the non-resident parent, half the second prescribed amount, in which case the amount of child support maintenance payable by the non-resident parent shall be as provided in paragraph (1) where paragraph 4(1)(b) of Part I of Schedule 1 to the Order applies, and as provided in paragraph (2) where paragraph 4(2) of that Schedule applies.

(6) Where paragraph (4) or (5) applies the transitional amount shall be apportioned among the persons with care as provided in paragraph 6 of Part I of Schedule 1 to the Order and Regulations made under that Part, and the amount of child support maintenance which the non-resident parent

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(2) Part I was substituted by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

is liable to pay each person with care in respect of whom care of the qualifying child is shared shall be nil.

(7) In this regulation “former assessment amount” means, in relation to a non-resident parent in respect of whom there is in force on the calculation date more than one maintenance assessment, the aggregate of the amounts payable under those assessments, and in paragraph (5) includes the amount payable where Article 40 of the former Order<sup>(3)</sup> (contribution to maintenance) applies to the non-resident parent.

#### **Transitional amount—certain flat rate cases**

**13.** Where paragraph 4(2) of Part I of Schedule 1 to the Order applies and the former assessment amount is nil, the amount of child support maintenance payable for the year beginning on the case conversion date shall be a transitional amount equivalent to half the second prescribed amount and thereafter shall not be a transitional amount but shall be the new amount.

#### **Certain cases where the new amount is payable**

**14.** The amount of child support maintenance which the non-resident parent is liable to pay on and from the case conversion date is the new amount where—

- (a) the application for the maintenance assessment referred to in regulation 3(1)(a) is determined after the case conversion date, except in a case to which regulation 28(1) applies;
- (b) the former assessment amount is more than nil, including where Article 40 of the former Order (contribution to maintenance) applies to the non-resident parent and the new amount is the first or second prescribed amount;
- (c) the new amount is the nil rate under paragraph 5 of Part I of Schedule 1 to the Order;
- (d) the former assessment amount is nil and the new amount is nil owing to the application of paragraph 8 of Part I of Schedule 1 to the Order (flat rate plus shared care); or
- (e) a decision under regulation 3(1)(c) relates to a Category A or D interim maintenance assessment or a decision is made under regulation 3(4).

#### **Case conversion date**

**15.—(1)** Subject to paragraph (2), the case conversion date is the beginning of the first maintenance period on or after the conversion date.

(2) Where, on or after the commencement date, there is a maintenance assessment in force and a maintenance calculation is made to which paragraph (3) applies, the case conversion date for the maintenance assessment shall be the beginning of the first maintenance period on or after the effective date of the related maintenance calculation.

(3) This paragraph applies where—

- (a) the maintenance calculation is made with respect to a relevant person who is a relevant person in relation to the maintenance assessment whether or not with respect to a different qualifying child; or
- (b) the maintenance calculation is made in relation to a partner (“A”) of a person (“B”) who is a relevant person in relation to the maintenance assessment and A or B is in receipt of a prescribed benefit.

(4) In paragraph (3)—

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(3) Article 40 was amended by paragraph 25 of Schedule 6 to the Social Security (Northern Ireland) Order 1998

“relevant person” means, in relation to a maintenance assessment, the absent parent, which has the meaning given in the former Order, or person with care and, in relation to a maintenance calculation, the non-resident parent or person with care; and

“prescribed benefit” means a benefit prescribed for the purposes of paragraph 4(1)(c) of Part I of Schedule 1 to the Order.

### **Conversion calculation and conversion decision**

**16.—**(1) A conversion calculation by the Department shall be made—

- (a) in accordance with Part I of Schedule 1 to the Order;
- (b) using the information held by it at the calculation date; and
- (c) taking into account any relevant departure direction or any relevant property transfer as provided in regulations 17 to 23.

(2) A conversion decision shall be treated for the purposes of any revision, supersession, appeal or application for a variation under Article 18, 19, 22 or 28G of the Order<sup>(4)</sup> and Regulations made in connection with such matters, as a decision under Article 13 of the Order made with effect from the date of notification of that decision and, where a conversion decision has been made, the case shall for those purposes be treated as if there were a maintenance calculation in force.

(3) A conversion calculation shall become a maintenance calculation when the transitional period ends or, if later, any relevant property transfer taken into account in the calculation ceases to have effect.

### **Relevant departure direction and relevant property transfer**

**17.—**(1) A relevant departure direction means a departure direction given in relation to the maintenance assessment which is the subject of the conversion decision where that direction was given under the provisions of the former Order and Regulations made under that Order and, where it is one to which one of the following paragraphs applies.

(2) This paragraph applies to a departure direction given on the special expenses grounds in head (b) (contact costs) or (d) (debts of the relationship) of paragraph 2(3) of Schedule 4B to the former Order<sup>(5)</sup> where and to the extent that they exceed the threshold amount which is—

- (a) £15 per week where the expenses fall within only one of those heads and, where the expenses fall within both heads, £15 per week in respect of the aggregate of those expenses, where the net weekly income is £200 or more; or
- (b) £10 per week where the expenses fall within only one of those heads and, where the expenses fall within both heads, £10 per week in respect of the aggregate of those expenses, where the net weekly income is below £200,

and for this purpose “net weekly income” means the income which would otherwise be taken into account for the purposes of the conversion decision including any additional income which falls to be taken into account under regulation 20.

(3) This paragraph applies to a departure direction given on the ground in paragraph 2(3)(c) of Schedule 4B to the former Order (illness or disability costs) where the illness or disability is of a relevant other child.

(4) This paragraph applies to a departure direction given on the ground in paragraph 3 of Schedule 4B to the former Order (property or capital transfers).

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(4) Articles 18, 19 and 22 were substituted by Articles 40 to 42 of the Social Security (Northern Ireland) Order 1998, Articles 18 and 19 are amended by sections 8 and 9 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and Article 22 is further substituted by section 10 of that Act. Article 28G is inserted by section 7 of that Act

(5) Schedule 4B was inserted by Schedule 2 to the Child Support (Northern Ireland) Order 1995

(5) Subject to paragraph (6), this paragraph applies to a departure direction given on the additional cases grounds in paragraph 5(1) of Schedule 4B to the former Order and regulation 24 of the Departure Regulations (diversion of income) or paragraph 5(2)(b) of Schedule 4B to the former Order and regulation 25 of the Departure Regulations (life-style inconsistent with declared income).

(6) Where the new amount, but for the application of a relevant departure direction referred to in paragraph (5), would be the first prescribed amount owing to the application of paragraph 4(1)(b) of Part I of Schedule 1 to the Order, or would be the nil rate under paragraph 5(a) of Part I of that Schedule, paragraph (5) applies where the amount of the additional net weekly income exceeds £100.

(7) This paragraph applies to a departure direction given on the ground in paragraph 5(2)(a) of Schedule 4B to the former Order (assets capable of producing income) where the value of the assets taken into account is greater than £65,000.

(8) A relevant property transfer is a transfer which was taken into account in the decision as to the maintenance assessment in respect of which the conversion decision is made owing to the application of Schedule 3A to the Maintenance Assessments and Special Cases Regulations (amount to be allowed in respect of transfers of property)(6).

(9) Where—

- (a) a relevant departure direction is taken into account for the purposes of a conversion calculation; or
- (b) a subsequent decision is made following the application of a relevant departure direction to a maintenance assessment,

the relevant departure direction shall for the purposes of any subsequent decision, including the subsequent decision in sub-paragraph (b), be a variation as if an application had been made under Article 28G of the Order for a variation in relation to the same ground and for the same amount.

#### **Effect on conversion calculation—special expenses**

**18.**—(1) Subject to paragraph (2) and regulations 22 and 23, where the relevant departure direction is one falling within regulation 17(2) or (3) (special expenses), effect shall be given to the relevant departure direction in the conversion calculation by deducting from the net weekly income of the non-resident parent the weekly amount of that departure direction and for this purpose “net weekly income” has the meaning given in regulation 17(2).

(2) Where the income which, but for the application of this paragraph, would be taken into account in the conversion decision is the capped amount and the relevant departure direction is one falling within regulation 17(2) or (3) then—

- (a) the weekly amount of the expenses shall first be deducted from the net weekly income of the non-resident parent which, but for the application of the capped amount, would be taken into account in the conversion decision including any additional income to be taken into account as a result of the application of regulation 17(5) or (7) (additional cases);
- (b) the amount by which the capped amount exceeds the figure calculated under sub-paragraph (a) shall be calculated; and
- (c) effect shall be given to the relevant departure direction in the conversion calculation by deducting from the capped amount the amount calculated under sub-paragraph (b).

#### **Effect on conversion calculation—property or capital transfer**

**19.** Subject to regulation 23, where the relevant departure direction is one falling within regulation 17(4)—

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(6) Schedule 3A was inserted by regulation 9(17) of [S.R. 1995 No. 162](#) and amended by [S.R. 1995 No. 475](#) and [S.R. 1999 Nos. 152 and 246 \(C. 20\)](#)

- (a) the conversion calculation shall be carried out in accordance with regulation 16(1) and, where there is more than one person with care in relation to the non-resident parent, the amount of child support maintenance resulting shall be apportioned among the persons with care as provided in paragraph 6 of Part I of Schedule 1 to the Order and Regulations made under that Part; and
- (b) the equivalent weekly value of the transfer to which the relevant departure direction relates shall be deducted from the amount of child support maintenance which the non-resident parent would otherwise be liable to pay to the person with care with respect to whom the transfer was made.

#### **Effect on conversion calculation—additional cases**

**20.** Subject to regulations 22 and 23, where the relevant departure direction is one falling within regulation 17(5) or (7) (additional cases), effect shall be given to the relevant departure direction in the conversion calculation by increasing the net weekly income of the non-resident parent which would otherwise be taken into account by the weekly amount of the additional income except that, where the amount of net weekly income calculated in this way would exceed the capped amount, the amount of net weekly income taken into account shall be the capped amount.

#### **Effect on conversion calculation—relevant property transfer**

**21.—(1)** Subject to paragraph (2) and regulation 23, a relevant property transfer shall be given effect by deducting from the net weekly income of the non-resident parent which would otherwise be taken into account, the amount in relation to the relevant property transfer and for this purpose “net weekly income” has the meaning given in regulation 17(2) but after deduction in respect of any relevant departure direction falling within regulation 17(2) or (3) (special expenses).

(2) Where the net weekly income of the non-resident parent which is taken into account for the purposes of the conversion calculation is the capped amount, a relevant property transfer shall be given effect by deducting the amount in respect of the transfer from the capped amount.

#### **Effect on conversion calculation—maximum amount payable where relevant departure direction is on additional cases ground**

**22.—(1)** Subject to regulation 23, where this regulation applies the amount of child support maintenance which the non-resident parent shall be liable to pay shall be whichever is the lesser of—

- (a) a weekly amount calculated by aggregating the first prescribed amount with the result of applying Part I of Schedule 1 to the Order with the additional income arising under the relevant departure direction, other than the weekly amount of any benefit, pension or allowance which the non-resident parent receives which is prescribed for the purposes of paragraph 4(1)(b) of Part I of Schedule 1 to the Order; or
- (b) a weekly amount calculated by applying Part I of Schedule 1 to the Order to the aggregate of the net weekly income taken into account for the purposes of the maintenance assessment which is the subject of the conversion decision and the additional income arising under the relevant departure direction.

(2) This regulation applies where the relevant departure direction is one to which regulation 17(5) or (7) (additional cases) applies and the non-resident parent’s liability calculated as provided in Part I of Schedule 1 to the Order, and Regulations made under that Schedule, would, but for the relevant departure direction be—

- (a) the first prescribed amount;
- (b) the first prescribed amount but is less than that amount or nil, owing to the application of paragraph 8 of Part I of that Schedule; or

- (c) the first prescribed amount but for the application of paragraph 5(a) of that Schedule.
- (3) For the purposes of paragraph (1)—
  - (a) “additional income” for the purposes of sub-paragraphs (a) and (b) means such income after the application of a relevant departure direction falling within regulation 17(2) or (3) (special expenses); and
  - (b) “weekly amount” for the purposes of sub-paragraphs (a) and (b) means the aggregate of the amounts referred to in the relevant sub-paragraph—
    - (i) adjusted as provided in regulation 23(3) as if the reference in that regulation to child support maintenance were to the weekly amount, and
    - (ii) after any deduction provided for in regulation 23(4) as if the reference in that regulation to child support maintenance were to the weekly amount.

### **Effect of relevant departure direction on conversion calculation—general**

**23.—**(1) Subject to paragraphs (4) and (5), where more than one relevant departure direction applies, regulations 18 to 22 shall apply and the results shall be aggregated as appropriate.

(2) Paragraph 7(2) to (7) of Schedule 1 to the Order (shared care) shall apply where the rate of child support maintenance is affected by a relevant departure direction, other than one falling within regulation 17(3) (illness or disability costs) and paragraph 7(2) of that Schedule shall be read as if after “as calculated in accordance with the preceding paragraphs” there were inserted “and the Child Support (Transitional Provisions) Regulations (Northern Ireland) 2001”.

(3) Subject to paragraphs (4) and (5), where the non-resident parent shares the care of a qualifying child within the meaning in Part I of Schedule 1 to the Order, or where the care of such a child is shared in part by an authority as defined in Article 2 of the Children (Northern Ireland) Order 1995(7), the amount of child support maintenance the non-resident parent is liable to pay the person with care, calculated to take account of any relevant departure direction, shall be reduced in accordance with the provisions of paragraph 7 of Part I of Schedule 1 to the Order, or regulation 9 of the Maintenance Calculations and Special Cases Regulations, as the case may be.

(4) Subject to paragraph (5), where a relevant departure direction is one falling within regulation 17(4) (property or capital transfers) the amount of the relevant departure direction shall be deducted from the amount of child support maintenance the non-resident parent would otherwise be liable to pay the person with care in respect of whom the transfer was made after aggregation of the effects of any relevant departure directions as provided in paragraph (1) or deduction for shared care as provided in paragraph (3).

(5) If the application of regulation 19, or paragraph (3) or (4), would decrease the weekly amount of child support maintenance (or the aggregate of all such amounts) payable by the non-resident parent to the person with care (or all of them) to less than a figure equivalent to the first prescribed amount, the new amount shall instead be the first prescribed amount and shall be apportioned as provided in paragraph 6 of Part I of Schedule 1 to the Order and Regulations made under that Part.

### **Phasing amount**

**24.—**(1) In this Part “phasing amount” means, for the year beginning on the case conversion date, the relevant figure provided in paragraph (2), and for each subsequent year the phasing amount for the previous year aggregated with the relevant figure.

- (2) The relevant figure is—
  - (a) £2·50 where the relevant income is £100 or less;

- (b) £5·00 where the relevant income is more than £100 but less than £400; or
- (c) £10·00 where the relevant income is £400 or more.

(3) For the purposes of paragraph (2), the “relevant income” is the net weekly income of the non-resident parent taken into account in the conversion decision.

### **Maximum transitional amount**

**25.**—(1) Where a conversion decision is made in a circumstance to which regulation 15(2) applies (maintenance assessment and related maintenance calculation), or a subsequent decision is made, the liability of the non-resident parent to pay child support maintenance during the transitional period (excluding any amount payable in respect of arrears of child support maintenance and before reduction for any amount in respect of an overpayment) shall be whichever is the lesser of—

- (a) where regulation 15(2) applies, the new amount or, where there is a subsequent decision, the subsequent decision amount; and
- (b) the maximum transitional amount.

(2) Where—

- (a) a conversion decision to which paragraph (1) applies, or a subsequent decision, results from an application made or treated as made for a maintenance calculation in respect of the same non-resident parent but a different qualifying child in relation to whom there is a different person with care (referred to in this regulation as “the new application”); and
- (b) the amount of child support maintenance payable by the non-resident parent from the case conversion date, or the effective date of the subsequent decision, as the case may be, is the maximum transitional amount,

that amount shall be apportioned as provided in paragraph (3).

(3) The apportionment referred to in paragraph (2) shall be carried out as follows—

- (a) the amount of child support maintenance payable by the non-resident parent to the person with care in relation to the new application shall be calculated as provided in Part I of Schedule 1 to the Order and Regulations made under that Part and where applicable, Part IV of these Regulations, and that amount shall be the amount payable to that person with care;
- (b) the amount calculated as provided in sub-paragraph (a) shall be deducted from the maximum transitional amount and the remainder shall be apportioned among the other persons with care so that the proportion which each receives bears the same relation to the proportions which the others receive as those proportions would have borne in relation to each other and the new amount, or the subsequent decision amount, as the case may be, if the maximum transitional amount had not been applied.

(4) Where—

- (a) apportionment under paragraph (3)(b) results in a fraction of a penny, that fraction shall be treated as a penny if it is either one half or exceeds one half, otherwise it shall be disregarded; and
- (b) the application of paragraph (3)(b) would be such that the aggregate amount payable by a non-resident parent would be different from the aggregate amount payable before any such apportionment, the Department shall adjust that apportionment so as to eliminate that difference and that adjustment shall be varied from time to time so as to secure that, taking one week with another and so far as is practicable, each person with care receives the amount which that person with care would have received if no adjustment had been made under this paragraph.



### **Subsequent decision effective on case conversion date**

**26.**—(1) Where there is a subsequent decision, the effective date of which is the case conversion date, the amount of child support maintenance payable shall be calculated as if the subsequent decision were a conversion decision.

(2) For the purposes of paragraph (1), regulations 9 to 25 shall apply as if references—

(a) to the calculation date, including in relation to the definition of the former assessment amount, were to—

(i) where there has been a decision under Article 18, 19 or 22 of the Order in relation to the maintenance assessment, the effective date of that decision, or

(ii) where head (i) does not apply—

(aa) the effective date of the subsequent decision; or

(bb) if earlier, the date the subsequent decision was made;

(b) to the new amount were to the subsequent decision amount; and

(c) to the conversion decision in regulation 24(3) were to the subsequent decision.

### **Subsequent decision with effect in transitional period—amount payable**

**27.**—(1) Subject to paragraph (6), where during the transitional period there is a subsequent decision the effective date of which is after the case conversion date, the amount of child support maintenance payable shall be the subsequent decision amount unless any of the following paragraphs apply, in which case it shall be a transitional amount as provided for in those paragraphs.

(2) Where—

(a) the new amount was greater than the former assessment amount; and

(b) the subsequent decision amount is greater than the new amount,

the amount of child support maintenance payable shall be a transitional amount calculated as the transitional amount payable immediately before the subsequent decision (“the previous transitional amount”) increased by the difference between the new amount and the subsequent decision amount and the phasing amounts shall apply to that transitional amount as they would have applied to the previous transitional amount had there been no subsequent decision.

(3) Where—

(a) paragraph (2)(a) applies; and

(b) the subsequent decision amount is equal to or less than the new amount,

the amount of child support maintenance payable shall be the previous transitional amount and the phasing amounts shall apply as they would have applied had there been no subsequent decision.

(4) Where—

(a) the new amount was less than the former assessment amount; and

(b) the subsequent decision amount is less than the new amount,

the amount of child support maintenance payable shall be a transitional amount calculated as the previous transitional amount decreased by the difference between the new amount and the subsequent decision amount and the phasing amounts shall apply to that transitional amount as they would have applied to the previous transitional amount had there been no subsequent decision.

(5) Where—

(a) paragraph (4)(a) applies; and

(b) the subsequent decision amount is equal to or more than the new amount,

the amount of child support maintenance payable shall be the previous transitional amount and the phasing amounts shall apply as they would have applied had there been no subsequent decision.

(6) Paragraphs (2) to (5) shall not apply where the subsequent decision amount is the first prescribed amount or the second prescribed amount or the nil rate.

### **Linking provisions**

**28.—**(1) Where after the commencement date but before the conversion date, an application for a maintenance calculation is made or treated as made and within the relevant period a maintenance assessment was in force in relation to the same qualifying child, non-resident parent and person with care—

- (a) the application shall be treated as an application for a maintenance assessment; and
- (b) any maintenance assessment made in response to the application shall be an assessment to which regulations 9 to 28 apply.

(2) Where, after the conversion date, an application for a maintenance calculation is made or treated as made, and within the relevant period a maintenance assessment (“the previous assessment”) had been in force in relation to the same qualifying child, non-resident parent and person with care but had ceased to have effect—

- (a) the amount of child support maintenance payable by the non-resident parent from the effective date of the maintenance calculation made in response to the application shall be calculated in the same way that a conversion calculation would have been made had the previous assessment been in force on the date the calculation is made; and
- (b) the provisions of regulations 9 to 28 shall apply accordingly, including the application where appropriate of transitional amounts, phasing amounts and a transitional period, which for this purpose shall begin on the date which would have been the case conversion date in relation to the previous assessment.

(3) For the purposes of paragraphs (1) and (2) “the relevant period” means 13 weeks prior to the date that the application for the maintenance calculation is made or treated as made.

(4) This paragraph applies where—

- (a) the non-resident parent is liable to pay child support maintenance of a transitional amount and there is, during the transitional period, a subsequent decision (in this regulation referred to as “the first subsequent decision”) as a result of which the non-resident parent is liable to pay child support maintenance at the first or second prescribed amount or the nil rate; and
- (b) a second subsequent decision is made with an effective date no later than 13 weeks after the effective date of the first subsequent decision the effect of which would be that the non-resident parent would be liable to pay child support maintenance at other than the first or second prescribed amount or the nil rate.

(5) Where paragraph (4) applies the amount of child support maintenance the non-resident parent is liable to pay from the effective date of the second subsequent decision shall be a transitional amount or, where applicable, the new amount, calculated by making a subsequent decision and, where appropriate, applying a phasing amount, as if the first subsequent decision had not occurred.

(6) This paragraph applies where during the transitional period a conversion calculation ceases to have effect.

(7) Where paragraph (6) applies and no later than 13 weeks after the conversion calculation ceases to have effect an application for child support maintenance is made, or treated as made, in relation to the same person with care, non-resident parent and qualifying child, the amount of child support maintenance the non-resident parent is liable to pay from the effective date of the new maintenance calculation shall be a transitional amount or, where applicable, the new amount, calculated by making

a subsequent decision in relation to the conversion calculation as if it had not ceased to have effect, and applying a phasing amount where appropriate.

(8) Where—

- (a) a conversion calculation is in force and the amount of child support maintenance payable is the new amount which is a flat rate, other than a flat rate under paragraph 4(1)(a) of Part I of Schedule 1 to the Order<sup>(8)</sup> or the nil rate;
- (b) after the case conversion date a subsequent decision is made;
- (c) but for the application of this regulation the subsequent decision amount would be a basic or reduced rate of child support maintenance; and
- (d) within 13 weeks prior to the effective date of the subsequent decision a maintenance assessment was in force in relation to the same non-resident parent, person with care and qualifying child, under which the amount payable by the non-resident parent (“the previous assessment”) was more than the amount prescribed for the purposes of paragraph 7 of Schedule 1 to the former Order,

the subsequent decision amount shall be calculated by making a subsequent decision in relation to the previous assessment as if the assessment were in force, and applying a phasing amount, where appropriate.

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(8) Part I was substituted by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000