

*These notes refer to the Child Maintenance Act (Northern Ireland) 2008 (c.10) which received Royal Assent on 2 July 2008*

# Child Maintenance Act (Northern Ireland) 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 – Child Support etc.**

#### **Collection and enforcement**

#### ***Section 13: Deduction from earnings orders: the liable person's earnings***

This section replaces *paragraph (8)* of Article 31 of the Order, and inserts a new *paragraph (9)*. The intent of the change is to define what will be considered as ‘earnings’ for the purpose of deduction from earnings orders.

Article 31 of the Order concerns deduction from earnings orders, and the existing *paragraph (8)* provides that ‘earnings’ has such meaning as may be prescribed.

The definition in the new *paragraph (8)* will include the following as earnings:

- wages or salary;
- payments by way of pensions including any annuity payable for the purpose of providing a pension;
- periodical payments which are compensation for loss of employment or reduced remuneration; and
- statutory sick pay.

The impact of this change is that all pension payments, whether as a result of a private or occupational pension scheme, will be included as earnings for the purposes of deduction from earnings orders.

The new *paragraph (9)* sets out that for the purposes of Articles 31 and 32 of the Child Support (Northern Ireland) Order 1991, any person paying a sum covered by new *paragraph (8)* to a liable person should be treated as their ‘employer’.