

*Changes to legislation: Child Maintenance Act (Northern Ireland) 2008, Cross Heading: Maintenance calculations is up to date with all changes known to be in force on or before 24 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



## 2008 CHAPTER 10

### **PART 2** **N.I.**

#### CHILD SUPPORT ETC.

##### *Maintenance calculations*

#### **Changes to the calculation of maintenance** **N.I.**

**8** Schedule 1 (which makes various changes to the provisions about the calculation of maintenance) has effect.

##### **Commencement Information**

- I1** S. 8 in operation at 3.12.2012 for specified purposes by [S.R. 2012/423](#), **art. 2(2)(d)**
- I2** S. 8 in operation at 10.12.2012 for specified purposes by [S.R. 2012/440](#), **arts. 2(1)(b), 3** (with [art. 4](#)) (as modified (30.6.2014) by [S.R. 2014/194](#), art. 4)
- I3** S. 8 in operation at 29.7.2013 for specified purposes by [S.R. 2013/201](#), **arts. 2(1)(b), 3** (with [art. 4](#)) (as modified (30.6.2014) by [S.R. 2014/194](#), art. 5)
- I4** S. 8 in operation at 25.11.2013 in so far as not already in operation by [S.R. 2013/276](#), **art. 2(a)** (with [arts. 3-5](#))

#### **Power to regulate supersession** **N.I.**

**9** In Article 19 of the Child Support Order (decisions superseding earlier decisions), for paragraphs (2) and (3) substitute—

“(2) The Department may by regulations make provision with respect to the exercise of the power under paragraph (1).

(3) Regulations under paragraph (2) may, in particular—

---

*Changes to legislation: Child Maintenance Act (Northern Ireland) 2008, Cross Heading: Maintenance calculations is up to date with all changes known to be in force on or before 24 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (a) make provision about the cases and circumstances in which the power under paragraph (1) is exercisable, including provision restricting the exercise of that power by virtue of change of circumstance;
- (b) make provision with respect to the consideration by the Department, when acting under paragraph (1), of any issue which has not led to its so acting;
- (c) make provision with respect to procedure in relation to the exercise of the power under paragraph (1).”.

#### Commencement Information

- I5** S. 9 in operation at 3.12.2012 for specified purposes by [S.R. 2012/423](#), [art. 2\(2\)\(a\)](#)
- I6** S. 9 in operation at 10.12.2012 for specified purposes by [S.R. 2012/440](#), [arts. 2\(1\)\(a\)](#), 3 (with [art. 4](#)) (as modified (30.6.2014) by [S.R. 2014/194](#), art. 4)
- I7** S. 9 in operation at 29.7.2013 for specified purposes by [S.R. 2013/201](#), [arts. 2\(1\)\(a\)](#), 3 (with [art. 4](#)) (as modified (30.6.2014) by [S.R. 2014/194](#), art. 5)
- I8** S. 9 in operation at 25.11.2013 in so far as not already in operation by [S.R. 2013/276](#), [art. 2\(a\)](#) (with [arts. 3-5](#))

#### Determination of applications for a variation **N.I.**

- 10.**—(1) Article 28D of the Child Support Order is amended as follows.
- (2) After paragraph (2) insert—
- “(2A) Paragraph (2B) applies if
- (a) the application for a variation is made by the person with care, and
  - (b) it appears to the Department that consideration of further information or evidence may affect its decision under paragraph (1)(a) whether or not to agree to a variation.
- (2B) Before making the decision under paragraph (1)(a) the Department must—
- (a) consider any such information or evidence that is available to it, and
  - (b) where necessary, take such steps as the Department considers appropriate to obtain any such further information or evidence.”.

(3) In paragraph (3), after “duties” insert “ , apart from the duty under paragraph (2B) ”.

---

**Changes to legislation:** Child Maintenance Act (Northern Ireland) 2008, Cross Heading: Maintenance calculations is up to date with all changes known to be in force on or before 24 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

#### Commencement Information

- I9** S. 10 in operation at 10.12.2012 for specified purposes by [S.R. 2012/440](#), [arts. 2\(1\)\(a\), 3](#) (with [art. 4](#)) (as modified (30.6.2014) by [S.R. 2014/194](#), art. 4)
- I10** S. 10 in operation at 29.7.2013 for specified purposes by [S.R. 2013/201](#), [arts. 2\(1\)\(a\), 3](#) (with [art. 4](#)) (as modified (30.6.2014) by [S.R. 2014/194](#), art. 5)
- I11** S. 10 in operation at 25.11.2013 in so far as not already in operation by [S.R. 2013/276](#), [art. 2\(a\)](#) (with [arts. 3-5](#))

#### Transfer of cases to new rules **N.I.**

**11** Schedule 2 (which makes provision for, and in connection with, enabling the Department to require existing cases to transfer to the new maintenance calculation rules or to leave the statutory scheme, so far as future accrual of liability is concerned) has effect.

#### Commencement Information

- I12** [S. 11](#) in operation at 18.6.2014 for specified purposes by [S.R. 2014/175](#), [art. 2\(a\)](#)
- I13** [S. 11](#) in operation at 30.6.2014 in so far as not already in operation by [S.R. 2014/194](#), [art. 2](#) (with [art. 3](#))

**Changes to legislation:**

Child Maintenance Act (Northern Ireland) 2008, Cross Heading: Maintenance calculations is up to date with all changes known to be in force on or before 24 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. [View outstanding changes](#)

**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\(2\)](#)