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*Changes to legislation: Child Maintenance Act (Northern Ireland) 2008, SCHEDULE 2 is up to date with all changes known to be in force on or before 01 October 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*

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## SCHEDULES

### SCHEDULE 2

Section 11.

#### MAINTENANCE CALCULATIONS: TRANSFER OF CASES TO NEW RULES

##### *Power to require a decision about whether to stay in the statutory scheme*

1.—(1) The Department may require the interested parties in relation to an existing case to choose whether or not to stay in the statutory scheme, so far as future accrual of liability is concerned.

(2) The reference in sub-paragraph (1) to an existing case is to any of the following—

- (a) a maintenance assessment,
- (b) an application for a maintenance assessment,
- (c) a maintenance calculation made under existing rules, an
- (d) an application for a maintenance calculation which will fall to be made under existing rules.

(3) For the purposes of this paragraph, a maintenance calculation is made (or will fall to be made) under existing rules if the amount of the periodical payments required to be paid in accordance with it is (or will be) determined otherwise than in accordance with Part 1 of Schedule 1 to the Child Support Order as amended by this Act.

#### **Commencement Information**

**II** Sch. 2 para. 1 in operation at 30.6.2014 by S.R. 2014/194, art. 2 (with art. 3)

2.—(1) The Department may by regulations make provision about the exercise of the power under paragraph 1(1).

(2) Regulations under sub-paragraph (1) may, in particular—

- (a) make provision about timing in relation to exercise of the power;
- (b) make provision for exercise of the power in stages;
- (c) specify principles for determining the order in which particular cases are to be dealt with under the power;

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(d) make provision about procedure in relation to exercise of the power.

**Commencement Information**

- I2** Sch. 2 para. 2 in operation at 18.6.2014 for specified purposes by S.R. 2014/175, art. 2(b)  
**I3** Sch. 2 para. 2 in operation at 30.6.2014 in so far as not already in operation by S.R. 2014/194, art. 2 (with art. 3)

**3.—(1)** The Department shall by regulations make such provision as it thinks fit about exercise of the right to make a choice required under paragraph 1(1).

(2) Regulations under sub-paragraph (1) shall, in particular—

- (a) make provision about the time within which the choice must be made;
- (b) make provision for a choice to stay in the statutory scheme to be made by means of an application to the Department for a maintenance calculation;
- (c) make provision about the form and content of any application required by provision under paragraph (b).

**Commencement Information**

- I4** Sch. 2 para. 3 in operation at 18.6.2014 for specified purposes by S.R. 2014/175, art. 2(b)  
**I5** Sch. 2 para. 3 in operation at 30.6.2014 in so far as not already in operation by S.R. 2014/194, art. 2 (with art. 3)

**4** If, in a particular case, any of the interested parties chooses not to stay in the statutory scheme, that person's choice shall be disregarded if any of the other interested parties chooses to stay in the statutory scheme.

**Commencement Information**

- I6** Sch. 2 para. 4 in operation at 30.6.2014 by S.R. 2014/194, art. 2 (with art. 3)

*Effect on accrual of liability of exercise of power under paragraph 1.*

**5.—(1)** Where the power under paragraph 1(1) is exercised in relation to a maintenance assessment or maintenance calculation, liability under the assessment or calculation shall cease to accrue with effect from such date as may be determined in accordance with regulations made by the Department.

(2) Where the power under paragraph 1(1) is exercised in relation to an application for a maintenance assessment or maintenance calculation, liability under any assessment or calculation made in response to the application shall accrue only in respect of the period ending with such date as may be determined in accordance with regulations made by the Department.

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#### Commencement Information

- I7** Sch. 2 para. 5 in operation at 18.6.2014 for specified purposes by S.R. 2014/175, art. 2(b)  
**I8** Sch. 2 para. 5 in operation at 30.6.2014 in so far as not already in operation by S.R. 2014/194, art. 2 (with art. 3)

#### *Additional powers*

**6.—(1)** The Department may by regulations make such provision as appears to it to be necessary or expedient for the purposes of, or in connection with, giving effect to a decision not to leave the statutory scheme.

(2) Regulations under sub-paragraph (1) may, in particular—

- (a) make provision about procedure in relation to determination of an application made in pursuance of regulations under paragraph 3
- (b) make provision about the application of the Child Support Order in relation to a maintenance calculation made in response to such an application;
- (c) prescribe circumstances in which liability under such a maintenance calculation is to be subject to a prescribed adjustment.

(3) The Department may by regulations make provision enabling the Department to treat an application of the kind mentioned in paragraph 1(2)(b) or (d) as withdrawn if none of the interested parties chooses to stay in the statutory scheme.

#### Commencement Information

- I9** Sch. 2 para. 6 in operation at 18.6.2014 for specified purposes by S.R. 2014/175, art. 2(b)  
**I10** Sch. 2 para. 6 in operation at 30.6.2014 in so far as not already in operation by S.R. 2014/194, art. 2 (with art. 3)

#### *Interpretation*

**7** In this Schedule—

“interested parties” has such meaning as may be prescribed;

“maintenance assessment” means an assessment of maintenance made under the Child Support Order;

“maintenance calculation” means a calculation of maintenance made under that Order;

“prescribed” means prescribed by regulations made by the Department;

“statutory scheme” means the scheme for child support maintenance under that Order.

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#### Commencement Information

- I11** Sch. 2 para. 7 in operation at 18.6.2014 for specified purposes by S.R. 2014/175, **art. 2(b)**
- I12** Sch. 2 para. 7 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:**

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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\(2\)](#)