



2008 CHAPTER 10

PART 2

CHILD SUPPORT ETC.

Debt management powers

Power to accept part payment of arrears in full and final satisfaction

23. After Article 38C of the Child Support Order (inserted by section 22) insert—

“Power to accept part payment of arrears in full and final satisfaction

38D.—(1) The Department may, in relation to any arrears of child support maintenance, accept payment of part in satisfaction of liability for the whole.

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

(3) The regulations must provide that unless one of the conditions in paragraph (4) is satisfied the Department may not exercise the power under paragraph (1) without the written consent of the person with care with respect to whom the maintenance calculation was made.

(4) The conditions are—

- (a) that the Department would be entitled to retain the whole of the arrears under Article 38(2) if it recovered them;
- (b) that the Department would be entitled to retain part of the arrears under Article 38(2) if it recovered them, and the part of the arrears

Changes to legislation: *Child Maintenance Act (Northern Ireland) 2008, Section 23 is up to date with all changes known to be in force on or before 22 February 2018. 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)*

that the Department would not be entitled to retain is equal to or less than the payment accepted under paragraph (1).”.

Annotations:

Commencement Information

- I1** S. 23 in operation at 3.12.2012 for specified purposes by S.R. 2012/423, **art. 2(2)(b)**
- I2** S. 23 in operation at 10.12.2012 in so far as not already in operation by S.R. 2012/440, **art. 2(2)(a)** (with art. 4)

Changes to legislation:

Child Maintenance Act (Northern Ireland) 2008, Section 23 is up to date with all changes known to be in force on or before 22 February 2018. 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.

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\(2\)](#)