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## STATUTORY INSTRUMENTS

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# 1991 No. 2628

## The Child Support (Northern Ireland) Order 1991

### *The basic principles*

#### **Relationship between maintenance [<sup>F1</sup>assessments] [<sup>F2</sup>calculations] and certain court orders and related matters**

12.—(1) Where an order of a kind prescribed for the purposes of this paragraph is in force with respect to any qualifying child with respect to whom a [<sup>F3</sup>maintenance assessment] [<sup>F4</sup>maintenance calculation] is made, the order—

- (a) shall, so far as it relates to the making or securing of periodical payments, cease to have effect to such extent as may be determined in accordance with regulations made by the Department; or
- (b) where the regulations so provide, shall, so far as it so relates, have effect subject to such modifications as may be so determined.

(2) Where an agreement of a kind prescribed for the purposes of this paragraph is in force with respect to any qualifying child with respect to whom a [<sup>F5</sup>maintenance assessment] [<sup>F6</sup>maintenance calculation] is made, the agreement—

- (a) shall, so far as it relates to the making or securing of periodical payments, be unenforceable to such extent as may be determined in accordance with regulations made by the Department; or
- (b) where the regulations so provide, shall, so far as it so relates, have effect subject to such modifications as may be so determined.

(3) Any regulations under this Article may, in particular, make such provision with respect to—

- (a) any case where any person with respect to whom an order or agreement of a kind prescribed for the purposes of paragraph (1) or (2) has effect applies to the prescribed court, before the end of the prescribed period, for the order or agreement to be varied in the light of the [<sup>F7</sup>maintenance assessment] [<sup>F8</sup>maintenance calculation] and of the provisions of this Order;
- (b) the recovery of any arrears under the order or agreement which fell due before the coming into force of the [<sup>F9</sup>maintenance assessment] [<sup>F10</sup>maintenance calculation],

as the Department considers appropriate and may provide that, in prescribed circumstances, an application to any court which is made with respect to an order of a prescribed kind relating to the making or securing of periodical payments to or for the benefit of a child shall be treated by the court as an application for the order to be revoked.

(4) The Department may by regulations make provision for—

- (a) notification to be given by the [<sup>F11</sup>the Department] to the prescribed person in any case where [<sup>F11</sup>it] considers that the making of a [<sup>F12</sup>maintenance assessment] [<sup>F13</sup>maintenance calculation] has affected, or is likely to affect, any order of a kind prescribed for the purposes of this paragraph;

(b) notification to be given by the prescribed person to the Department in any case where a court makes an order which it considers has affected, or is likely to affect, a [<sup>F14</sup>maintenance assessment] [<sup>F15</sup>maintenance calculation].

(5) Magistrates' courts rules may be made requiring any person who, in prescribed circumstances, makes an application to a court of summary jurisdiction for a maintenance order to furnish the court with a statement in a prescribed form, and signed by [<sup>F11</sup>an officer of the Department], as to whether or not, at the time when the statement is made, there is a [<sup>F16</sup>maintenance assessment] [<sup>F17</sup>maintenance calculation] in force with respect to that person or the child concerned.

(6) In paragraph (5)—

“maintenance order” means an order of a prescribed kind for the making or securing of periodical payments to or for the benefit of a child; and

“prescribed” means prescribed by the rules.

#### **Annotations:**

- F1** Word in art. 12 heading substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(b), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F2** Word in art. 12 heading substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(b), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F3** Words in art. 12(1) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F4** Words in art. 12(1) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F5** Words in art. 12(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F6** Words in art. 12(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F7** Words in art. 12(3)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F8** Words in art. 12(3)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F9** Words in art. 12(3)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F10** Words in art. 12(3)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F11** 1998 NI 10
- F12** Words in art. 12(4)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F13** Words in art. 12(4)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Northern Ireland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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- F14** Words in art. 12(4)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F15** Words in art. 12(4)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F16** Words in art. 12(5) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F17** Words in art. 12(5) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

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### Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order applied by S.R. 2014/191 reg. 7(1)
- Order applied in part (with modifications) by S.R. 2010/312 reg. 16 Sch. 2
- Order power to apply (with modifications) conferred by 2008 c. 10 (N.I.) s. 3(4)
- Order transfer of functions by S.I. 2010/976 Sch. 17 para. 42
- Order words substituted by 2009 c. 1 (N.I.) Sch. 6 para. 1(1)(a)
- Order words substituted by 2009 c. 1 (N.I.) Sch. 6 para. 1(1)(b)

### Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 9(1) Sch. 1 para. 9 renumbered as Sch. 1 para. 9(1) by 2008 c. 10 (N.I.) Sch. 1 para. 8(1)
- Sch. 1 para. 9(2) added by 2008 c. 10 (N.I.) Sch. 1 para. 8(4)
- Sch. 1 para. 5A and cross-heading inserted by 2008 c. 10 (N.I.) Sch. 1 para. 5(2)
- Sch. 1 para. 9(1)(za) inserted by 2008 c. 10 (N.I.) Sch. 1 para. 8(2)
- Sch. 1 para. 9(1)(ba) inserted by 2008 c. 10 (N.I.) Sch. 1 para. 8(3)
- Sch. 1 para. 5A(2) modified by S.R. 2012/428 reg. 3
- Sch. 1 para. 5A(2) modified by S.R. 2013/190 reg. 2
- art. 2(3) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(3)
- art. 7(2A) inserted by S.I. 2015/2006 (N.I.) art. 127(2)(b)
- art. 11(2A) inserted by S.I. 2015/2006 (N.I.) art. 126(1)
- art. 11A inserted by S.I. 2015/2006 (N.I.) art. 128
- art. 16A(3A) inserted by 2008 c. 10 (N.I.) s. 27(1)
- art. 16A(3A) substituted by 2010 c. 13 (N.I.) s. 32(2)
- art. 16A(6) added by 2010 c. 13 (N.I.) s. 32(3)
- art. 22(1)(ba) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(5)
- art. 22(2)(aa) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(6)
- art. 22(2A)-(2C) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 2
- art. 22(3A)-(3C) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 3
- art. 22(5A) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(7)
- art. 22(7A) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(8)
- art. 28D(2A) (2B) inserted by 2008 c. 10 (N.I.) s. 10(2)
- art. 28F(4)(a) words repealed by 2008 c. 10 (N.I.) Sch. 5
- art. 29(3)(c) (ca) substituted for art. 29(3)(c) by 2010 c. 13 (N.I.) s. 31(2)
- art. 29(3A) inserted by 2010 c. 13 (N.I.) s. 31(3)
- art. 29(4)-(7) added by 2008 c. 10 (N.I.) s. 12
- art. 29(4)-(7) excluded by S.R. 2016/390 reg. 6(1)
- art. 31(8) (9) substituted for art. 31(8) by 2008 c. 10 (N.I.) s. 13
- art. 32A-32D inserted by 2008 c. 10 (N.I.) s. 14
- art. 32E-32K inserted by 2008 c. 10 (N.I.) s. 15
- art. 32G(1) restricted by SR 1992/390 reg. 25N (as inserted) by S.R. 2009/286 reg. 2
- art. 32H(2)(b) restricted by SR 1992/390 reg. 25N (as inserted) by S.R. 2009/286 reg. 2
- art. 32L inserted by 2008 c. 10 (N.I.) s. 16
- art. 32M 32N inserted by 2008 c. 10 (N.I.) s. 17
- art. 36B-36F inserted by 2008 c. 10 (N.I.) s. 18
- art. 36G-36O inserted by 2008 c. 10 (N.I.) s. 19
- art. 37(2A)-(2C) inserted by 2008 c. 10 (N.I.) s. 20(1)
- art. 37(10)-(10C) substituted for art. 37(10) by 2008 c. 10 (N.I.) s. 20(2)
- art. 37(12) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(14)
- art. 37A(A1)-(A4) (1) substituted for art. 37A(1) by 2008 c. 10 (N.I.) s. 21(1)

- art. 37A(10)-(10C) substituted for art. 37A(10) by 2008 c. 10 (N.I.) s. 21(2)
- art. 37A(12) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(17)
- art. 38A(5)(c) (d) repealed by 2008 c. 10 (N.I.) Sch. 4 para. 1(29)(a)
- art. 38C inserted by 2008 c. 10 (N.I.) s. 22
- art. 38D inserted by 2008 c. 10 (N.I.) s. 23
- art. 38E inserted by 2008 c. 10 (N.I.) s. 24
- art. 39(2)(g) added by 2008 c. 10 (N.I.) s. 28
- art. 40A inserted by 2008 c. 10 (N.I.) s. 29
- art. 41(4)(5) inserted by S.I. 2011/1484 Sch. 7 para. 22
- art. 45A inserted by 2008 c. 10 (N.I.) s. 25
- art. 45B 45C inserted by 2008 c. 10 (N.I.) s. 30
- art. 45D inserted by 2008 c. 10 (N.I.) s. 31
- art. 46(1A)-(1C) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(19)
- art. 47A inserted by 2008 c. 10 (N.I.) s. 32
- art. 47A(6) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 4
- art. 48(2B) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(22)

**Commencement Orders yet to be applied to the The Child Support (Northern Ireland) Order 1991**

Commencement Orders bringing legislation that affects this Order into force:

- S.I. 2009/479 art. 2-6 commences (2008 c. 22)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.I. 2010/987 art. 2 commences (2008 c. 22)
- S.R. 2008/276 art. 2 commences (2007 c. 2 (N.I.))
- S.R. 2008/291 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2008/399 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2008/402 art. 2 commences (2000 c. 4 (N.I.))
- S.R. 2008/419 art. 2 3 commences (2008 c. 10 (N.I.))
- S.R. 2008/489 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2009/216 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2009/380 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2010/370 art. 2 Sch. commences (S.I. 2007/916 (N.I.))
- S.R. 2010/416 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2012/423 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2012/424 art. 2 commences (2010 c. 13 (N.I.))
- S.R. 2012/440 art. 2 3 commences (2008 c. 10 (N.I.))
- S.R. 2013/201 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2013/276 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2014/138 art. 2 commences (2000 c. 4 (N.I.))
- S.R. 2015/57 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2016/215 art. 2 3 commences (S.I. 2015/2006 (N.I.))