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STATUTORY INSTRUMENTS

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**1991 No. 2628**

**The Child Support (Northern Ireland) Order 1991**

*[<sup>F1</sup>Decisions and appeals dependent on other cases]*

**[<sup>F1</sup>Appeals involving issues that arise on appeal in other cases**

**28ZB.**—(1) This Article applies where—

<sup>F2</sup>(a) an appeal ( "appeal A") in relation to a decision falling within Article 22(1) or (3), or an assessment falling within Article 22(2), is made to an appeal tribunal, or from an appeal tribunal to a Child Support Commissioner; and]

[<sup>F3</sup>(a) an appeal (“appeal A”) in relation to a decision or the imposition of a requirement falling within Article 22(1) is made to an appeal tribunal, or from an appeal tribunal to a Child Support Commissioner;]

(b) an appeal ( “appeal B”) is pending against a decision given in a different case by a Child Support Commissioner or a court.

(2) If the Department considers it possible that the result of appeal B will be such that, if it were already determined, it would affect the determination of appeal A, the Department may serve notice requiring the tribunal or Child Support Commissioner—

- (a) not to determine appeal A but to refer it to the Department; or
- (b) to deal with the appeal in accordance with paragraph (4).

(3) Where appeal A is referred to the Department under paragraph (2)(a), following the determination of appeal B and in accordance with that determination, the Department shall if appropriate—

- (a) in a case where appeal A has not been determined by the tribunal, revise (under Article 18) its decision which gave rise to that appeal; or
- (b) in a case where appeal A has been determined by the tribunal, make a decision (under Article 19) superseding the tribunal's decision.

(4) Where appeal A is to be dealt with in accordance with this paragraph, the appeal tribunal or Child Support Commissioner shall either—

- (a) stay appeal A until appeal B is determined; or
- (b) if the tribunal or Child Support Commissioner considers it to be in the interests of the appellants to do so, determine appeal A as if—
  - (i) appeal B had already been determined; and
  - (ii) the issues arising on appeal B had been decided in the way that was most unfavourable to the appellants.

In this paragraph “the appellants” means the person who appealed or, as the case may be, first appealed against the decision [<sup>F4</sup>or assessment][<sup>F5</sup>or the imposition of the requirement] mentioned in paragraph (1)(a).

(5) Where the appeal tribunal or Child Support Commissioner acts in accordance with paragraph (4)(b), following the determination of appeal B the Department shall, if appropriate, make a decision (under Article 19) superseding the decision of the tribunal or Child Support Commissioner in accordance with that determination.

(6) For the purposes of this Article, an appeal against a decision is pending if—

- (a) an appeal against the decision has been brought but not determined;
- (b) an application for leave to appeal against the decision has been made but not determined; or
- (c) in such circumstances as may be prescribed, an appeal against the decision has not been brought (or, as the case may be, an application for leave to appeal against the decision has not been made) but the time for doing so has not yet expired.

(7) In this Article—

- (a) the reference in paragraph (1)(a) to an appeal to a Child Support Commissioner includes a reference to an application for leave to appeal to a Child Support Commissioner; and
- (b) any reference in sub-paragraph (a), (b) or (c) of paragraph (6) to an appeal, or to an application for leave to appeal, against a decision includes a reference to an application for, or for leave to apply for, judicial review of the decision under section 18 of the Judicature (Northern Ireland) Act 1978.

(8) Regulations may make provision supplementing that made by this Article.]

**F1** 1998 NI 10

**F2** Art. 28ZB(1)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2), **Sch. 3 para. 20(a)**; S.R. 2003/53, art. 3(1), **Sch.**

**F3** Art. 28ZB(1)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2), **Sch. 3 para. 20(a)**; S.R. 2003/53, art. 3(1), **Sch.**

**F4** Words in art. 28ZB(4) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2), **Sch. 3 para. 20(b)**; S.R. 2003/53, art. 3(1), **Sch.**

**F5** Words in art. 28ZB(4) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2), **Sch. 3 para. 20(b)**; S.R. 2003/53, art. 3(1), **Sch.**

### 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.

[View outstanding changes](#)

### 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. 16Sch. 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\(1\)\(ba\)](#) inserted by [2008 c. 10 \(N.I.\) Sch. 1 para. 8\(3\)](#)
- [Sch. 1 para. 9\(1\)\(za\)](#) inserted by [2008 c. 10 \(N.I.\) Sch. 1 para. 8\(2\)](#)
- [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](#)
- [Sch. 1 Pt. 1](#) words substituted by [2008 c. 10 \(N.I.\) Sch. 1 para. 2](#)
- [Sch. 1 Pt. 1 para. 10C\(5A\)](#) omitted by [S.I. 2019/1514 reg. 64\(5\)\(b\)](#)
- [Sch. 1 Pt. 1 para. 10C\(5\)](#) substituted for [Sch. 1 Pt. 1 para. 10C\(5\)\(6\)](#) by [S.I. 2019/1514 reg. 64\(4\)](#)
- [Sch. 1 Pt. 1 para. 6\(5\)\(b\)\(i\)\(ii\)](#) substituted for [Sch. 1 Pt. 1 para. 6\(5\)\(b\)\(i\)-\(iii\)](#) by [S.I. 2019/1514 reg. 64\(5\)\(a\)](#)
- [Sch. 1 Pt. 1 para. 5\(4\)](#) words inserted by [2007 c. 2 \(N.I.\) Sch. 3 para. 2\(8\)](#)
- [art. 2\(3\)](#) added by [2008 c. 10 \(N.I.\) Sch. 4 para. 1\(3\)](#)
- [art. 4\(4\)\(ba\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 16](#)
- [art. 7\(2A\)](#) inserted by [S.I. 2015/2006 \(N.I.\) art. 127\(2\)\(b\)](#)
- [art. 7\(3A\)-\(3C\)](#) inserted by [2023 c. 24 s. 4\(2\)\(a\)](#)
- [art. 7\(4\)\(d\)](#) and word inserted by [2023 c. 24 s. 4\(2\)\(b\)\(ii\)](#)
- [art. 11\(2A\)](#) inserted by [S.I. 2015/2006 \(N.I.\) art. 126\(1\)](#)
- [art. 11\(6\)\(a\)\(b\)](#) and word repealed by [2008 c. 10 \(N.I.\) Sch. 5](#)
- [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. 19\(1\)\(c\)](#) repealed by [2008 c. 10 \(N.I.\) Sch. 5](#)
- [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. 27\(2\)\(b\)](#) words substituted by [S.I. 2019/1514 reg. 64\(2\)](#)
- [art. 27\(2\)\(b\)](#) words substituted by [S.I. 2019/1514 reg. 64\(2\)](#)
- [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. 32L(5) words inserted by S.I. 2019/1514 reg. 64(3)
- art. 32M32N 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. 41(4) omitted by S.I. 2019/519 Sch. para. 20(a)
- art. 41(5) omitted by S.I. 2019/519 Sch. para. 20(b)
- art. 45A inserted by 2008 c. 10 (N.I.) s. 25
- art. 45B45C 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)