

SCHEDULES

[^{F1}SCHEDULE 4C

DECISIONS AND APPEALS: DEPARTURE DIRECTIONS AND REDUCED BENEFIT DIRECTIONS, ETC.

Annotations:

- F1** 1998 NI 10
F1 prosp. in pt. rep. by
2000 c. 4 (NI)

Cases of error

- 6.—(1) Subject to sub-paragraph (2), Article 28ZC shall also apply where—
- (a) the effect of the determination, whenever made, of an appeal to a Child Support Commissioner or the court (“the relevant determination”) is that the adjudicating authority's decision out of which the appeal arose was erroneous in point of law; and
 - (b) after the date of the relevant determination a decision falls to be made by the Department in accordance with that determination (or would, apart from this paragraph, fall to be so made)—
 - (i) in relation to an application for a departure direction (made after the commencement date);
 - (ii) as to whether to revise, under Article 18 as extended by paragraph 1, a decision (made after the commencement date) in relation to a departure direction, a reduced benefit direction or a person's liability under Article 40; or
 - (iii) on an application made under Article 19 as extended by paragraph 2 before the date of the relevant determination (but after the commencement date) for a decision in relation to a departure direction, a reduced benefit direction or a person's liability under Article 40 to be superseded.
- (2) Article 28ZC shall not apply where the decision of the Department mentioned in sub-paragraph (1)(b)—
- (a) is one which, but for Article 28ZA(2)(a) as it applies by virtue of paragraph 4(1), would have been made before the date of the relevant determination; or
 - (b) is one made in pursuance of Article 28ZB(3) or (5) as it applies by virtue of paragraph 5(1).
- (3) Article 28ZC as it applies by virtue of sub-paragraph (1) shall have effect as if in paragraph (4), in the definition of “adjudicating authority”, at the end there were added the words “ or, in the case of a decision made on a referral under Article 28D(1)(b), an appeal tribunal ”.
- (4) In this paragraph “adjudicating authority”, “the commencement date” and “the court” have the same meanings as in Article 28ZC.]

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.

Changes and effects yet to be applied to :

- Sch. 4C para. 6(1)(b)(ii) (iii) words repealed by
2008 c. 10 (N.I.)
Sch. 4
para. 1(29)(c)(iii)

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.)

)