
STATUTORY INSTRUMENTS

1995 No. 2702

The Child Support (Northern Ireland) Order 1995

Miscellaneous

Deferral of right to apply for maintenance assessment

12.—(1) In Article 7 of the Order of 1991 (right of person with care or absent parent to apply for maintenance assessment), at the end there shall be inserted—

“(10) No application may be made at any time under this Article with respect to a qualifying child or any qualifying children if—

- (a) there is in force a written maintenance agreement made before 5th April 1993, or a maintenance order, in respect of that child or those children and the person who is, at that time, the absent parent; or
- (b) benefit is being paid to, or in respect of, a parent with care of that child or those children.

(11) In paragraph (10) “benefit” means any benefit which is mentioned in, or prescribed by regulations under, Article 9(1).”

^{F1}(2) In Article 10 of the Order of 1991 (role of the courts with respect to maintenance for children), after paragraph (3) there shall be inserted—

“(3A) In any case in which Article 7(10) prevents the making of an application for a maintenance assessment, and—

- (a) no application has been made for a maintenance assessment under Article 9, or
- (b) such an application has been made but no maintenance assessment has been made in response to it, paragraph (3) shall have effect with the omission of the word “vary”.”

(3) In Article 11 of the Order of 1991 (maintenance agreements), at the beginning of paragraph (3) there shall be inserted “Subject to Article 7(10)(a),” and after paragraph (5) there shall be inserted—

“(6) In any case in which Article 7(10) prevents the making of an application for a maintenance assessment, and—

- (a) no application has been made for a maintenance assessment under Article 9, or
- (b) such an application has been made but no maintenance assessment has been made in response to it, paragraph (5) shall have effect with the omission of subparagraph (b).”

^{F1}(4) The Department may by order repeal any of the provisions of this Article.

(5) Article 7(10) of the Order of 1991 shall not apply in relation to a maintenance order made in the circumstances mentioned in paragraph (7) or (8) of Article 10 of the Order of 1991.

(6) The Department may by regulations make provision for Article 7(10) of the Order of 1991 not to apply in relation to such other cases as may be prescribed.

Changes to legislation: *The Child Support (Northern Ireland) Order 1995, Section 12 is up to date with all changes known to be in force on or before 13 April 2024. 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*

(7) Part I of the Schedule to the Child Support (1991 Order) (Commencement No. 3 and Transitional Provisions) Order (Northern Ireland) 1992^{F2} (phased take-on of certain cases) is hereby revoked.

(8) At any time before 7th April 1997, neither Article 10(3), nor Article 11(5)(b), of the Order of 1991 shall apply in relation to any case which fell within paragraph 4(2) of the Schedule to the Order of 1992 (pending cases during the transitional period set by that order).

F1 prosp. in pt. rep. by [2000 c. 4 \(NI\)](#)

F2 [SR 1992 No. 467](#)

Changes to legislation:

The Child Support (Northern Ireland) Order 1995, Section 12 is up to date with all changes known to be in force on or before 13 April 2024. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument am. (GB) by [S.I. 1997/645 reg.2\(1\)Sch. paras.24](#) of memorandum
- power to am. (prosp.) by [1998 c. 47 s.87](#)

Commencement Orders yet to be applied to the The Child Support (Northern Ireland) Order 1995

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2009/216 art. 2](#) commences ([2008 c. 10 \(N.I.\)](#))