
STATUTORY INSTRUMENTS

1995 No. 2702

The Child Support (Northern Ireland) Order 1995

Miscellaneous

Payment of benefit where maintenance payments collected by the Department

18. In the Social Security Administration (Northern Ireland) Act 1992, after section 72 (income support and other payments), there shall be inserted—

“Payment of benefit where maintenance payments collected by Department.

72A.—(1) This section applies where—

- (a) a person (“the claimant”) is entitled to a benefit to which this section applies;
- (b) the Department is collecting periodical payments of child or spousal maintenance made in respect of the claimant or a member of the claimant’s family; and
- (c) the inclusion of any such periodical payment in the claimant’s relevant income would, apart from this section, have the effect of reducing the amount of the benefit to which the claimant is entitled.

(2) The Department may, to such extent as it considers appropriate, treat any such periodical payment as not being relevant income for the purposes of calculating the amount of benefit to which the claimant is entitled.

(3) The Department may, to the extent that any periodical payment collected by it is treated as not being relevant income for those purposes, retain the whole or any part of that payment.

(4) Any sum retained by the Department under subsection (3) shall be paid by the Department into the Consolidated Fund.

(5) In this section—

“child” means a person under the age of 16.

“child maintenance”, “spousal maintenance” and “relevant income” have such meaning as may be prescribed;

“family” means—

- (a) a married or unmarried couple;
- (b) a married or unmarried couple and a member of the same household for whom one of them is, or both are, responsible and who is a child or a person of a prescribed description;
- (c) except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;

“married couple” means a man and woman who are married to each other and are members of the same household; and

“unmarried couple” means a man and woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances.

(6) For the purposes of this section, the Department may by regulations make provision as to the circumstances in which—

- (a) persons are to be treated as being or not being members of the same household;
- (b) one person is to be treated as responsible or not responsible for another.

(7) The benefits to which this section applies are income support, an income-based jobseeker’s allowance and such other benefits (if any) as may be prescribed.”