
STATUTORY INSTRUMENTS

1995 No. 2702

The Child Support (Northern Ireland) Order 1995

Reviews of maintenance assessments etc.

Reviews: interim maintenance assessments

5. In Article 14 of the Order of 1991 (interim maintenance assessments), for paragraph (1) there shall be substituted—

“(1) This Article applies where a child support officer—

- (a) is required to make a maintenance assessment;
- (b) is proposing to conduct a review under Article 18, 19, 20 or 21; or
- (c) is conducting such a review.

(1A) If it appears to the child support officer that he does not have sufficient information to enable him—

- (a) in a case falling within paragraph (1)(a), to make the assessment,
- (b) in a case falling within paragraph (1)(b), to conduct the proposed review, or
- (c) in a case falling within paragraph (1)(c), to complete the review,

he may make an interim maintenance assessment.”

Reviews on change of circumstances

6.—(1) Article 19 of the Order of 1991 (reviews on change of circumstances) shall be amended as follows.

(2) After paragraph (2) there shall be inserted—

“(2A) The Department shall refer to a child support officer any application under this Article which is duly made.”

(3) In paragraph (3)—

- (a) after “paragraph (6)” there shall be inserted “, or by virtue of paragraph (7),”; and
- (b) for “the review applied for” there shall be substituted “a review”.

(4) After paragraph (4) there shall be inserted—

“(4A) Where a child support officer is conducting a review under this Article, and the original assessment has ceased to have effect, he may continue the review as if the application for a review related to the original assessment and any subsequent assessment.”

(5) For paragraph (5) there shall be substituted—

“(5) In conducting a review under this Article, the child support officer shall take into account a change of circumstance only if—

- (a) he has been notified of it in such manner, and by such person, as may be prescribed; or
- (b) it is one which he knows has taken place.”

(6) In paragraph (6)—

- (a) for “any review” there shall be substituted “a review of the original assessment”; and
- (b) after “maintenance assessment” there shall be inserted “by reference to the circumstances of the case as at the date of the application under this Article”.

(7) After paragraph (6) there shall be added—

“(7) On completing a review of any subsequent assessment under this Article, the child support officer concerned shall make a fresh maintenance assessment except in such circumstances as may be prescribed.

(8) In this Article “subsequent assessment” means a maintenance assessment made after the original assessment with respect to the same persons as the original assessment.”

Continuation of reviews under Article 20 of the Order of 1991

7. In Article 20 of the Order of 1991 (reviews of decisions of child support officers), after paragraph (6) there shall be inserted—

“(6A) Where a child support officer is conducting a review under this Article and the maintenance assessment in question (“the original assessment”) is no longer in force, he may continue the review as if the application for a review related to the original assessment and any maintenance assessment made after the original assessment with respect to the same persons as the original assessment.”

Cancellation of maintenance assessments on review

8.—(1) In Article 20 of the Order of 1991 (reviews of decisions of child support officers), after paragraph (10) there shall be inserted—

“(10A) If a child support officer conducting a review under this Article is satisfied that the maintenance assessment in question was not validly made he may cancel it with effect from the date on which it took effect.”

(2) In paragraph 16 of Schedule 1 to the Order of 1991 (termination of maintenance assessments), after sub-paragraph (4) there shall be inserted—

“(4A) A maintenance assessment may be cancelled by a child support officer if he is conducting a review under Article 18, 19, 20 or 21 and it appears to him—

- (a) that the person with care with respect to whom the maintenance assessment in question was made has failed to provide him with sufficient information to enable him to complete the review; and
- (b) where the maintenance assessment in question was made in response to an application under Article 9, that the person with care with respect to whom the assessment was made has ceased to fall within paragraph (1) of that Article.”

(3) In sub-paragraph (7) of paragraph 16 of Schedule 1 to the Order of 1991, after “sub-paragraph” there shall be inserted “(4A),”.

Reviews at instigation of child support officers

9. For Article 21 of the Order of 1991 there shall be substituted—

“Reviews at instigation of child support officers

21.—(1) Where a child support officer is not conducting a review under Article 18, 19 or 20, he may nevertheless review—

- (a) a refusal to make a maintenance assessment,
- (b) a refusal to review a maintenance assessment under Article 19,
- (c) a maintenance assessment (whether or not in force),
- (d) a cancellation of a maintenance assessment, or
- (e) a refusal to cancel a maintenance assessment,

if he suspects that it may be defective for one or more of the reasons set out in paragraph (2).

(2) The reasons are that the refusal, assessment or cancellation—

- (a) was made in ignorance of a material fact;
- (b) was based on a mistake as to a material fact; or
- (c) was wrong in law.

(3) If, on completing such a review, the child support officer is satisfied that the refusal, assessment or cancellation is defective for one or more of those reasons, he may—

- (a) take no further action;
- (b) in the case of a maintenance assessment which has been cancelled, set aside the cancellation;
- (c) make a maintenance assessment;
- (d) make a fresh maintenance assessment;
- (e) cancel the maintenance assessment in question.

(4) Where a child support officer sets a cancellation aside under paragraph (3), the maintenance assessment in question shall have effect as if it had never been cancelled.

(5) Any cancellation of a maintenance assessment under this Article shall have effect from such date as may be determined by the child support officer.

(6) Where a child support officer suspects that if an application for a review of a maintenance assessment were to be made under Article 19 it would be appropriate to make one or more fresh maintenance assessments, he may review the maintenance assessment even though no application for its review has been made under that Article.

(7) If, on completing a review by virtue of paragraph (6), the child support officer is satisfied that it would be appropriate to make one or more fresh maintenance assessments, he may do so.”