STATUTORY INSTRUMENTS

1995 No. 2702

The Child Support (Northern Ireland) Order 1995

The child maintenance bonus

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4.—(1) The Department may by regulations make provision for the payment, in prescribed circumstances, of sums to persons—

(a) who are or have been in receipt of child maintenance; and

(b) to or in respect of whom income support or a jobseeker's allowance is or has been paid.

(2) A sum payable under the regulations shall be known as "a child maintenance bonus".

(3) A child maintenance bonus shall be treated for all purposes as payable by way of income support or (as the case may be) a jobseeker's allowance.

(4) Paragraph (3) is subject to section 617 of the Income and Corporation Taxes Act 1988(**1**) (which, as amended by paragraph 1 of Schedule 3 to the Child Support Act 1995(**2**), provides for a child maintenance bonus not to taxable).

(5) The regulations may, in particular, provide for—

(a) a child maintenance bonus to be payable only on the occurrence of a prescribed event;

(b) a bonus not to be payable unless a claim is made before the end of the prescribed period;

(c) the amount of a bonus (subject to any maximum prescribed by virtue of sub-paragraph (f)) to be determined in accordance with the regulations;

(d) enabling amounts to be calculated by reference to periods of entitlement to income support and periods of entitlement to a jobseeker's allowance;

(e) treating a bonus as payable wholly by way of a jobseeker's allowance or wholly by way of income support, in a case where amounts have been calculated in accordance with provision made by virtue of sub-paragraph (d);

(f) the amount of a bonus not to exceed a prescribed maximum;

(g) a bonus not to be payable if the amount of the bonus which would otherwise be payable is less than the prescribed minimum;

(h) prescribed periods to be disregarded for prescribed purposes;

(i) a bonus which has been paid to a person to be treated, in prescribed circumstances and for prescribed purposes, as income or capital of that person or of any other member of that person's family;

(j) treating the whole or a prescribed part of an amount which has accrued towards a person's bonus—

(i) as not having accrued towards the person's bonus; but

(ii) as having accrued towards the bonus of another person.

(**1**) 1988 c. 1.
(**2**) 1995 c. 34.

(6) The Department may by regulations provide—

(a) for the whole or a prescribed part of a child maintenance bonus to be paid in such circumstances as may be prescribed to such person, other than the person who is or had been in receipt of child maintenance, as may be determined in accordance with the regulations;

(b) for any payments of a prescribed kind which have been collected by the Department, and retained by it, to be treated for the purposes of this Article as having been received by the appropriate person as payments of child maintenance.

(7) In this Article—

"appropriate person" has such meanings as may be prescribed;

"child" means a person under the age of 16;

"child maintenance" has 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.

(8) For the purposes of this Article, 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.