

1992 No. 465

FAMILY LAW

CHILD SUPPORT

The Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations (Northern Ireland) 1992

Made 2nd November 1992

Coming into operation 5th April 1993

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 30(1) and (4) and 47 of the Child Support (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations (Northern Ireland) 1992 and shall come into operation on 5th April 1993.

(2) In these regulations—

“the Order” means the Child Support (Northern Ireland) Order 1991;

“child of the family” has the same meaning as in the Matrimonial Causes (Northern Ireland) Order 1978(b); and

“periodical payments” includes secured periodical payments.

Periodical payments and categories of person prescribed for the purposes of Article 30 of the Order

2. The following periodical payments and categories of persons are prescribed for the purposes of Article 30(1) of the Order—

(a) payments under a maintenance order made in relation to a child in accordance with the provisions of Article 10(6) (periodical payments in addition to child support maintenance), 10(7) (periodical payments to meet expenses incurred in connection with the provision of instruction or training) or 10(8) of the Order (periodical payments to meet expenses attributable to disability);

(b) any periodical payments under a maintenance order which are payable to or for the benefit of a spouse or former spouse who is the person with care of a child who is a qualifying child in respect of whom a child support maintenance assessment is in force in accordance with which

(a) S.I. 1991/2628 (N.I. 23)

(b) S.I. 1978/1045 (N.I. 15)

the Department has arranged for the collection of child support maintenance under Article 29 of the Order; and

- (c) any periodical payments under a maintenance order payable to or for the benefit of a former child of the family of the person against whom the order is made, that child having his home with the person with care.

Collection and enforcement

3. Articles 29(2) and (3) and 31 to 37 of the Order, and any regulations made under those Articles, shall apply for the purpose of enabling the Department to enforce any obligation to pay any amount which it is authorised to collect under Article 30 of the Order, with the modification that any reference in those Articles or regulations to child support maintenance shall be read as a reference to any of the periodical payments mentioned in regulation 2, and any reference to a maintenance assessment shall be read as a reference to any of the maintenance orders mentioned in that regulation.

Collection and enforcement — supplementary

4. Nothing in regulation 3 applies to any periodical payment which falls due before the date specified by the Department by a notice in writing to the absent parent that it is arranging for those payments to be collected, and that date shall be not earlier than the date the notice is given.

Sealed with the Official Seal of the Department of Health and Social Services on 2nd November 1992.

(L.S.)

A. N. Burns

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 30(1) of the Child Support (Northern Ireland) Order 1991 (“the Order”) enables the Department to arrange for the collection of prescribed kinds of periodical payments where they are payable to or for the benefit of someone who falls within a prescribed category and it is also arranging for the collection of child support maintenance.

These regulations prescribe the kinds of payments which may be collected and the categories of persons to whom they are payable (regulation 2). Regulation 3 applies various provisions of the Order relating to the collection and enforcement of child support maintenance to the periodical payments that may be collected under Article 30(1).

Articles 30(1) and (4) and 47 of the Order are the enabling provisions under which these regulations are made. They are brought into operation on 18th June 1992 by the Child Support (1991 Order) (Commencement No. 1) Order (Northern Ireland) 1992 (S.R. 1992 No. 278 (C. 13)).