
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 317

**The Child Support (Miscellaneous Amendments)
Regulations (Northern Ireland) 1996**

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations

4.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992⁽¹⁾ shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (citation, commencement and interpretation) for the definition of “family”⁽²⁾ there shall be substituted the following definition—

““family” means—

- (a) a married or unmarried couple (including the members of a polygamous marriage);
- (b) a married or unmarried couple (including the members of a polygamous marriage) and any child or children living with them for whom at least one member of that couple has day to day care;
- (c) where a person who is not a member of a married or unmarried couple has day to day care of a child or children, that person and any such child or children,

and for the purposes of this definition a person shall not be treated as having day to day care of a child who is a member of that person’s household where the child in question is in the care of a Health and Social Services Board or an HSS trust, is boarded-out or placed by that Board or that trust in accordance with the provisions of section 114 of the Children and Young Persons Act (Northern Ireland) 1968;”.

(3) In regulation 9(1)(b) (exempt income) for “18” there shall be substituted “16 and 18”.

(4) In regulation 11(3) (protected income)—

- (a) in paragraph (1) for “and (5A)” there shall be substituted “, (5A) and (5AA)”;
- (b) after paragraph (5A) there shall be inserted the following paragraph—

“(5AA) In a case to which paragraph (5A) does not apply, if the application of paragraphs (1) to (5) and of regulation 12(1)(a) would result in the amount of child support maintenance payable being greater than 30 per centum of the absent parent’s net income calculated in accordance with regulation 7, paragraphs (1) to (5) shall not apply in his case and instead his protected income level shall be 70 per centum of his net income as so calculated.”; and

- (c) in paragraph (5B) after “paragraph (5A)” there shall be inserted “or (5AA)”.

(5) In regulation 12(1)(4) (disposable income) in sub-paragraphs (a) and (b) after “regulation 11(5A)” there shall be inserted “or (5AA)”.

(1) [S.R. 1992 No. 341](#); relevant amending regulations are [S.R. 1994 No. 65](#) and [S.R. 1995 No. 162](#)

(2) The definition of “family” was amended by paragraph 1 of Schedule 19 to [S.R. 1994 No. 65](#)

(3) Paragraph (1) was amended by, and paragraphs (5A) and (5B) inserted by, regulation 9(7) of [S.R. 1995 No. 162](#)

(4) Paragraph (1) was substituted by regulation 9(8) of [S.R. 1995 No. 162](#)

(6) For regulation 16(5) (weekly amount of housing costs) there shall be substituted the following regulation—

“Weekly amount of housing costs

16.—(1) Where a parent pays housing costs—

- (a) on a weekly basis, the amount of such housing costs shall, subject to paragraph (2), be the weekly rate payable at the effective date;
- (b) on a monthly basis, the amount of such housing costs shall, subject to paragraph (2), be the monthly rate payable at the effective date, multiplied by 12 and divided by 52;
- (c) by way of rent and rates payable to a housing association, as defined in Article 3 of the Housing (Northern Ireland) Order 1992, which is registered in accordance with Articles 14 to 16 of that Order, or to the Northern Ireland Housing Executive, on a free week basis, that is to say the basis that he pays an amount by way of rent and rates for a given number of weeks in a 52 week period, with a lesser number of weeks in which there is no liability to pay (“free weeks”), the amount of such housing costs shall be the amount which he pays—
 - (i) in the relevant week if it is not a free week, or
 - (ii) in the last week before the relevant week which is not a free week, if the relevant week is a free week;
- (d) on any other basis, the amount of such housing costs shall, subject to paragraph (2), be the rate payable at the effective date, multiplied by the number of payment periods, or the nearest whole number of payment periods (any fraction of one half being rounded up) falling within a period of 365 days and divided by 52.

(2) Where housing costs consist of payments on a repayment mortgage and the absent parent or parent with care has not provided information or evidence as to the rate of repayment of the capital secured and the interest payable on that mortgage at the effective date and that absent parent or parent with care has provided a statement from the lender, in respect of a period ending not more than 12 months prior to the first day of the relevant week, for the purposes of the calculation of exempt income under regulation 9 and protected income under regulation 11—

- (a) if the amount of capital repaid for the period covered by that statement is shown on it, the rate of repayment of capital owing under that mortgage shall be calculated by reference to that amount; and
- (b) if the amount of capital owing and the interest rate applicable at the end of the period covered by that statement are shown on it, the interest payable on that mortgage shall be calculated by reference to that amount and that interest rate.”.

(7) In regulation 19(2) (both parents are absent) after sub-paragraph (c) there shall be added the following sub-paragraph—

- “(d) where the application is made in relation to one absent parent only, the amount of the maintenance requirement applicable in that case shall be one half of the amount determined in accordance with paragraph 1(2) of Schedule 1 to the Order or, where regulation 23 applies (person caring for children of more than one absent parent), of the amount determined in accordance with paragraphs (2) to (3) of that regulation.”.

(8) In Schedule 1 (calculation of N and M)—

- (a) in paragraph 1(1) for head (d) there shall be substituted the following head—

- “(d) any payments made by the parent’s employer in respect of any expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the parent’s employer in respect of—
 - (i) travelling expenses incurred by that parent between his home and place of employment, and
 - (ii) expenses incurred by that parent under arrangements made for the care of a member of his family owing to that parent’s absence from home;”;
- (b) in paragraph 7(3)(a) before “weekly earnings” there shall be inserted “normal”; and
- (c) in paragraph 15 after “Schedule” there shall be inserted “except payments or other amounts which are excluded from the definition of “earnings” by virtue of paragraph 1(2)”.