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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 541**

**The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996**

**Part I**

**General**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996 and shall come into operation on 2nd December 1996.

(2) In these Regulations—

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

“applicant” has the same meaning as in Schedule 4B to the Order;

“application” means an application for a departure direction;

“departure direction application form” means the form provided by the Department in accordance with regulation 4(1);

“effective date” in relation to a departure direction means the date on which that direction takes effect;

“Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(1);

“Maintenance Assessments and Special Cases Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(2);

“maintenance period” has the same meaning as in regulation 32 of the Maintenance Assessment Procedure Regulations;

“non-applicant” means—

(a) where the application has been made by a person with care, the absent parent;

(b) where the application has been made by an absent parent, the person with care;

“partner” has the same meaning as in regulation 1(2) of the Maintenance Assessments and Special Cases Regulations;

“relevant person” means—

(a) an absent parent, or a person who is treated as an absent parent under regulation 20 of the Maintenance Assessments and Special Cases Regulations (persons treated as

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(1) S.R. 1992 No. 340; relevant amending regulations are S.R. 1994 No. 37 and S.R. 1995 Nos. 19, 162 and 475

(2) S.R. 1992 No. 341; the relevant amending regulations are S.R. 1993 No. 164, S.R. 1994 No. 65, S.R. 1995 Nos. 162 and 475 and S.R. 1996 Nos. 289 and 317

absent parents), whose liability under a maintenance assessment may be affected by any departure direction given following an application;

- (b) a person with care, where the amount of child support maintenance payable under a maintenance assessment relevant to that person with care may be affected by any departure direction given following an application.

## **Documents**

2.—(1) Where, under any provision of these Regulations—

- (a) any document is given or sent to the Department, that document shall, subject to paragraph (2), be treated as having been so given or sent on the date it is received by the Department; and
- (b) any document is given or sent to any other person, that document shall, if sent by post to that person's last known or notified address, and subject to paragraph (3), be treated as having been given or sent on the second day after the day of posting, excluding any Sunday or any day which is a bank holiday in England, Wales, Scotland or Northern Ireland under the Banking and Financial Dealings Act 1971(3).

(2) The Department may treat any document given or sent to it as given or sent on such day, earlier than the day it was received by it, as it may determine, if it is satisfied that there was unavoidable delay in its receiving the document in question.

(3) Where, by any provision of these Regulations, and in relation to a particular application, notice or notification—

- (a) more than one document is required to be given or sent to a person, and more than one such document is sent by post to that person but not all the documents are posted on the same day; or
- (b) documents are required to be given or sent to more than one person, and not all such documents are posted on the same day,

all those documents shall be treated as having been posted on the later or, as the case may be, the latest day of posting.

## **Determination of amounts**

3.—(1) Where any amount is required to be determined for the purposes of these Regulations, it shall be determined as a weekly amount and any reference to such an amount shall be construed accordingly.

(2) Where any calculation made under these Regulations results in a fraction of a penny that fraction shall be treated as a penny if it is either one half or exceeds one half and shall be otherwise disregarded.