
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 65

**FAMILY LAW
CHILD SUPPORT
SOCIAL SECURITY**

The Child Support (Maintenance Assessments and Special Cases) and Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -

6th March 1996

Coming into operation

8th April 1996

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 47 and 48(4) of, and paragraphs 5 and 7 of Schedule 1 to, the Child Support (Northern Ireland) Order 1991(1) and section 5(1)(g) of the Social Security Administration (Northern Ireland) Act 1992(2), as extended by Article 40(2) of the Child Support (Northern Ireland) Order 1991, 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 (Maintenance Assessments and Special Cases) and Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 8th April 1996.

(2) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

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

2.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(4) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 13 (minimum amount)—

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

(2) 1992 c. 8

(3) 1954 c. 33 (N.I.)

(4) S.R. 1992 No. 341; to which there are amendments not relevant to these Regulations

- (a) in paragraph (1) after “the minimum amount shall be” there shall be inserted “2 multiplied by”;
- (b) in paragraph (2) for “an amount” there shall be substituted “the 5 per centum amount”.
- (3) In Schedule 2 (amounts to be disregarded)—
 - (a) in paragraph 19(1) for “£10·00” there shall be substituted “up to £20·00”;
 - (b) in paragraph 20(1) for “£10·00” in the three places in which it occurs there shall be substituted “£20·00”.

Transitional provisions

3. A maintenance assessment in force on 8th April 1996 shall not be reviewed solely to give effect to regulation 2(3) but, on a review of that assessment under Article 18, 19 or 20 of the Child Support (Northern Ireland) Order 1991, the provisions of that regulation shall have effect from the effective date of any fresh maintenance assessment made following that review.

Amendment of paragraph 7A of Schedule 8A to the Social Security (Claims and Payments) Regulations

4. In paragraph 7A of Schedule 8A to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(5) (payments in place of payments of child support maintenance)—

- (a) in sub-paragraph (2)—
 - (i) for “Subject to sub-paragraph (3)” there shall be substituted “Subject to sub-paragraphs (3) and (3A)”;
 - (ii) after “weekly amount” there shall be inserted “, as prescribed by regulation 28(2) of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 for the purposes of Article 40(2)(a) of the Child Support (Northern Ireland) Order 1991.”;
 - (iii) the words “equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 years” shall be omitted;
- (b) after sub-paragraph (3) there shall be added the following sub-paragraph—

“(3A) Where, apart from the provisions of this sub-paragraph, the provisions of paragraphs 8(2) and 9 would result in the maximum aggregate amount payable equalling 2 times 5 per cent. of the personal allowance for a single claimant aged not less than 25 years, the amount of specified benefit to be paid under this paragraph shall be one half of the amount specified in sub-paragraph (2).”.

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

6th March 1996.

W. G. Purdy
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 (“the 1992 Regulations”) to provide for an increase in the minimum amount of child support maintenance payable, and accordingly, by virtue of regulation 28 of those Regulations, of the amount payable by an absent parent in receipt of income support or other prescribed benefit. The amount is increased to 2 times 5 per cent. of the income support personal allowance for a single claimant aged not less than 25 years. Consequential amendments are made to paragraph 7A of Schedule 8A to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987, which deals with deductions from benefit and direct payment to third parties. In particular, provision is made that, in certain circumstances, the amount to be deducted is one half of the amount otherwise deductible.

Schedule 2 to the 1992 Regulations is also amended so as to increase from £10·00 to £20·00 the disregard, when determining net income, in relation to charitable or voluntary payments.

These Regulations correspond to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.