
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 8

**FAMILY LAW
CHILD SUPPORT**

**The Child Support (Miscellaneous Amendments)
Regulations (Northern Ireland) 1998**

*Made - - - - 16th January 1998
Coming into operation in accordance with
regulation 1(2) and (3)*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 12(1), 14(2), 16(1) and (3), 18(1), 23, 28A(3), 28G(4), 29, 32(1), 39, 40(1), 47 and 48(4) of, and paragraphs 1, 4 to 6, 8, 11 and 14 of Schedule 1, paragraphs 2, 6 and 10 of Schedule 4A, and paragraphs 2 to 6 of Schedule 4B to, the Child Support (Northern Ireland) Order 1991⁽¹⁾ 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 (Miscellaneous Amendments) Regulations (Northern Ireland) 1998.

(2) Subject to paragraph (3), these Regulations shall come into operation on 19th January 1998.

(3) Regulations 3(6)(b), 4(4) and (5), (10), (12), (13) and (14)(d), 5 and 10 shall come into operation on 6th April 1998.

(4) In these Regulations—

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

“Departure Direction Regulations” means the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996⁽³⁾.

(1) S.I.1991/2628 (N.I. 23); Articles 28A and 28G and Schedules 4A and 4B were inserted by the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))

(2) S.R. 1992 No. 341; relevant amending regulations are S.R. 1993 No. 164, S.R. 1995 No. 475 and S.R. 1996 Nos. 288, 317, 541 and 590

(3) S.R. 1996 No. 541

Amendment of the Child Support (Information, Evidence and Disclosure) Regulations

2.—(1) The Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(4) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 3(2)(p) (purposes for which information or evidence may be required) for “assessable or disposable income” there shall be substituted “any application made under the Order or any question arising in connection with such an application”.

(3) In regulation 8(5) (disclosure of information to a court or tribunal)—

(a) in paragraph (1) for “or to the benefits Acts” there shall be substituted “, to the benefits Acts or to the Jobseekers (Northern Ireland) Order 1995(6)”;

(b) after paragraph (2) there shall be added the following paragraph—

“(3) The Department or a child support officer may disclose information held by them for the purposes of the Order to a court in any case where—

(a) that court has exercised any power it has to make, vary or revive a maintenance order or to vary a maintenance agreement; and

(b) such disclosure is made for the purposes of any proceedings before that court in relation to that maintenance order or that maintenance agreement or for the purposes of any matters arising out of those proceedings.”.

(4) In regulation 9A(2)(c)(ii)(7) (disclosure of information to other persons) for “with that application on behalf of that person” there shall be substituted “on behalf of that person with any matters arising in connection with the determination of that application”.

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations

3.—(1) The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(8) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 8A(9) (amount of an interim maintenance assessment) for paragraph (4) there shall be substituted the following paragraph—

“(4) Where a child support officer is unable to ascertain the income of other members of the family of an absent parent so that the disposable income of that absent parent can be calculated in accordance with regulation 12(1)(a) of the Maintenance Assessments and Special Cases Regulations, the amount of the Category B interim maintenance assessment shall be the maintenance assessment calculated in accordance with Part I of Schedule 1 to the Order on the assumption that the provisions of paragraph 6 of that Schedule do not apply to the absent parent.”.

(3) In regulation 8D (miscellaneous provisions in relation to interim maintenance assessments) after paragraph (1) there shall be inserted the following paragraph—

“(1A) The reference in paragraph (1) to a maintenance assessment calculated in accordance with Part I of Schedule 1 to the Order shall include a maintenance assessment falling within regulation 29A(2)(10).”.

(4) S.R. 1992 No. 339; relevant amending regulations are S.R. 1995 No. 162 and S.R. 1996 No. 541

(5) Regulation 8 was amended by regulation 49(2) of S.R. 1996 No. 541

(6) S.I. 1995/2705 (N.I. 15)

(7) Regulation 9A was inserted by regulation 6(4) of S.R. 1995 No 162 and amended by regulation 49(3) of S.R. 1996 No. 541

(8) S.R. 1992 No. 340; relevant amending regulations are S.R. 1993 No. 164, S.R. 1995 Nos. 162 and 475 and S.R. 1996 No. 590

(9) Regulations 8A and 8D were inserted by regulation 3(3) of S.R. 1995 No. 475

(10) Regulation 29A was inserted by regulation 3(19) of S.R. 1995 No. 475 and paragraph (2) was substituted by regulation 2(5) (a) of S.R. 1996 No. 590

(4) In regulation 9(14)(11) (cancellation of an interim maintenance assessment) for “on which the cancelled interim maintenance assessment ceased to have effect” there shall be substituted “set by the child support officer under paragraph (12) on which the cancellation referred to in that paragraph took effect”.

(5) After regulation 10 (notification of a new or fresh maintenance assessment) there shall be inserted the following regulation—

“Notification of increase or reduction in the amount of a maintenance assessment

10A.—(1) Where, in a case falling within paragraph (2B) of regulation 22 of the Maintenance Assessments and Special Cases Regulations(12) (multiple applications relating to an absent parent), a child support officer has increased or reduced one or more of the other maintenance assessments referred to in that paragraph following the making of the fresh assessment referred to in sub-paragraph (c) of that paragraph, he shall, so far as that is reasonably practicable, immediately notify the relevant persons in respect of whom each maintenance assessment so increased or reduced was made, of—

- (a) the making of that fresh assessment;
- (b) the amount of the increase or reduction in that maintenance assessment; and
- (c) the date on which that increase or reduction shall take effect,

and the notification shall include information as to the provisions of Article 20 of the Order.

(2) Except where a person gives written permission to the Department that the information in relation to him mentioned in sub-paragraphs (a) and (b) may be conveyed to other persons, any document given or sent under the provisions of paragraph (1) shall not contain—

- (a) the address of any person other than the recipient of the document in question (other than the address of the office of the child support officer concerned) or any other information the use of which could reasonably be expected to lead to any person being located;
- (b) any other information the use of which could reasonably be expected to lead to any person, other than a qualifying child or a relevant person, being identified.”.

(6) In regulation 16 (intervals between periodical reviews and notice of a periodical review)—

(a) in paragraph (2)(13) for the words from “the period between the effective date of the assessment that has been reviewed” to the end there shall be substituted

“the period between the effective date of the fresh assessment following the latest review carried out under sub-paragraph (a) or (b) and whichever is the later of—

- (aa) the effective date of the assessment falling within paragraph (1)(a)(14); or
- (bb) the effective date of the assessment made following the review referred to in paragraph (1)(b) or (c).”;

(b) for paragraph (6) there shall be substituted the following paragraph—

“(6) The provisions of paragraph (5) shall not apply in relation to—

- (a) any person to or in respect of whom income support or income-based jobseeker’s allowance is payable;

(11) Regulation 9 was substituted by regulation 3(4) of S.R. 1995 No. 475

(12) Paragraph (2B) is inserted by regulation 4(11) of these Regulations

(13) Paragraph (2) was substituted by regulation 3(10)(b) of S.R. 1995 No. 475

(14) Paragraph (1) was substituted by regulation 4(6) of S.R. 1993 No. 164 and amended by regulation 8(8)(a) of S.R. 1995 No. 162 and regulation 3(10)(a) of S.R. 1995 No. 475

- (b) a person with care where income support or income-based jobseeker's allowance is payable to or in respect of the absent parent;
- (c) an absent parent or parent with care to whom regulation 10A of the Maintenance Assessments and Special Cases Regulations⁽¹⁵⁾ applies; or
- (d) a parent with care where that regulation applies to the absent parent.”.

(7) In regulation 29A(3)⁽¹⁶⁾ (effective dates of new maintenance assessments in particular cases) for “child support officer” there shall be substituted “Department”.

(8) In paragraph 5 of Schedule 2 (maintenance assessment in force: subsequent application for a maintenance assessment in respect of additional children) for sub-paragraphs (1) and (2) there shall be substituted the following sub-paragraph—

“(1) Where there is in force a maintenance assessment made in response to an application under Article 7 of the Order by an absent parent or person with care and that assessment is not in respect of all of the absent parent's children who are in the care of the person with care with respect to whom that assessment was made—

- (a) if that absent parent or that person with care makes an application under Article 7 of the Order with respect to the children in respect of whom the assessment currently in force was made and the additional child or one or more of the additional children in the care of that person with care who are children of that absent parent, an assessment made in response to that application shall replace the assessment currently in force;
- (b) if that absent parent or that person with care makes an application under Article 7 of the Order in respect of an additional qualifying child or additional qualifying children of that absent parent in the care of that person with care, that application shall be treated as an application for a maintenance assessment in respect of all the qualifying children concerned and the assessment made shall replace the assessment currently in force.”.

Amendment of the Maintenance Assessments and Special Cases Regulations

4.—(1) The Maintenance Assessments and Special Cases Regulations shall be amended in accordance with paragraphs (2) to (16).

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2)—

(i) for the definition of “employed earner” there shall be substituted the following definition—

““employed earner” means a person who is gainfully employed in Northern Ireland, Great Britain or the Republic of Ireland either under a contract of service, or in an office (including elective office) with emoluments chargeable to income tax under Schedule E or, as the case may be, chargeable under the legislation of the Republic of Ireland which is analogous to income tax under Schedule E;”;

(ii) in the definition of “occupational pension scheme” for “Article 2(1) of the Social Security Pensions (Northern Ireland) Order 1975” there shall be substituted “section 1 of the Pensions Schemes (Northern Ireland) Act 1993⁽¹⁷⁾”;

(15) Regulation 10A was inserted by regulation 3(3) of S.R. 1996 No. 590

(16) Regulation 29A was inserted by regulation 3(19) of S.R. 1995 No. 475 and paragraph (3) was added by regulation 2(5)(b) of S.R. 1996 No. 590

(17) 1993 c. 49

(iii) in the definition of “relevant week”**(18)** after paragraph (f) there shall be added—

“except that where, under paragraph 15 of Schedule 1 to the Order, a child support officer makes separate maintenance assessments in respect of different periods in a particular case, because he is aware of one or more changes of circumstances which occurred after the date which is applicable to that case under paragraphs (a) to (f), the relevant week for the purposes of each separate maintenance assessment made to take account of each such change of circumstances, shall be the period of 7 days immediately preceding the date on which notification was given to the Department of the change of circumstances relevant to the separate maintenance assessment;”;

(iv) for the definition of “self-employed earner” there shall be substituted the following definition—

““self-employed earner” means a person who is gainfully employed in Northern Ireland, Great Britain or the Republic of Ireland otherwise than in employed earner’s employment (whether or not he is also employed in such employment);”;

(b) in paragraph (2A)**(19)** at the end of sub-paragraph (a) there shall be added “and the amount of income to which each tax rate applies shall be determined on the basis that the ratio of that amount to the full amount of the income to which each tax rate applies is the same as the ratio of the proportionate part of that personal relief to the full personal relief”.

(3) In regulation 2(1) (calculation or estimation of amounts) for “falls to be taken into account for the purposes of these regulations” there shall be substituted “is to be considered in connection with any calculation made under these Regulations”.

(4) In regulation 3(1) (calculation of AG) for sub-paragraph (c)**(20)** there shall be substituted the following sub-paragraph—

“(c) an amount equal to the amount specified in paragraph 3(1)(b) of the relevant Schedule.”.

(5) In regulation 6(2)(b)**(21)** (the additional element) for “3(1)(c)(i)” there shall be substituted “3(1)(c)”.

(6) In regulation 9(1) (exempt income: calculation or estimation of E)—

(a) in sub-paragraph (c) for head (ii)**(22)** there shall be substituted the following head—

“(ii) if he were a claimant, the rate of income support family premium specified in paragraph 3(a) of the relevant Schedule would be applicable to him because he is a lone parent and no premium is applicable to him under paragraph 11 of that Schedule;”;

(b) in sub-paragraph (f)**(23)** for “but he is not a lone parent as defined in regulation 2(1) of the Income Support Regulations” there shall be substituted “but he is not a parent to whom sub-paragraph (c) applies”;

(7) In regulation 11(1)**(24)** (protected income)—

(a) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

(18) The definition of “relevant week” was substituted by regulation 5(2)(f) of S.R. 1993 No. 164 and amended by regulation 4(2) (a) of S.R. 1995 No. 475

(19) Paragraph (2A) was inserted by regulation 5(2)(h) of S.R. 1993 No. 164

(20) Sub-paragraph (c) was substituted by regulation 7(3)(a) of S.R. 1996 No. 288

(21) Sub-paragraph (b) was amended by regulation 7(5) of S.R. 1996 No. 288

(22) Head (ii) was substituted by regulation 7(6)(a) of S.R. 1996 No. 288

(23) Sub-paragraph (f) was amended by regulation 7(6)(b) of S.R. 1996 No. 288

(24) Sub-paragraph (c) was substituted by, and sub-paragraph (f) was amended by, regulation 7(9) of S.R. 1996 No. 288

- “(c) where, if the absent parent were a claimant, the rate of income support family premium specified in sub-paragraph (a) of paragraph 3 of the relevant Schedule would be applicable to him because he is a lone parent and no premium is applicable to him under paragraph 11 of that Schedule, an amount equal to the amount specified in that sub-paragraph;”;
- (b) in sub-paragraph (f) for “but he is not a lone parent as defined in regulation 2(1) of the Income Support Regulations” there shall be substituted “but he is not a parent to whom sub-paragraph (c) applies”;
- (8) In regulation 15 (amount of housing costs) at the end of paragraph (3) there shall be added “but, where that other person does not make those payments in circumstances where head (a) of paragraph 4(2) of Schedule 3 applies, the eligible housing costs of that parent shall include the housing costs for which, because of that failure to pay, that parent is treated as responsible under that head”.
- (9) In regulation 16(1)(25) (weekly amount of housing costs)—
- (a) for “Where a parent pays housing costs” there shall be substituted “Where housing costs are payable by a parent”;
- (b) in sub-paragraph (c) for “the amount which he pays” there shall be substituted “the amount payable”.
- (10) In regulation 19(2) (both parents are absent) sub-paragraph (c) shall be omitted.
- (11) In regulation 22(26) (multiple applications relating to an absent parent) after paragraph (2A) there shall be inserted the following paragraphs—
- “(2B) Where—
- (a) a case is treated as a special case for the purposes of the Order by virtue of paragraph (1);
- (b) more than one maintenance assessment is in force in respect of the absent parent; and
- (c) any of those assessments is reviewed under Article 18, 19, 20 or 21 of the Order and a fresh assessment is to be made,
- the formula set out in paragraph (2) or, as the case may be, paragraph (2ZA)(27) shall be applied to calculate or estimate the amount of child support maintenance payable under that fresh assessment.
- (2C) Where a maintenance assessment falls within paragraph (2B)(b) but it is not reviewed under any of the provisions set out in sub-paragraph (c) of that paragraph, the formula set out in paragraph (2) or, as the case may be, paragraph (2ZA) shall be applied to determine whether that maintenance assessment should be increased or reduced as a result of the making of a fresh assessment under paragraph (2B)(c) and any increase or reduction shall take effect from the effective date of that fresh assessment.”.
- (12) In regulation 26(1)(b)(ii)(28) (cases where child support maintenance is not to be payable) for “11(1)(c) or (f)” there shall be substituted “11(1)(f)”.
- (13) In regulation 28(1)(b)(29) (amount payable where absent parent is in receipt of income support or other prescribed benefit) for “3(a) or (b)” there shall be substituted “3(1)(a) or (b)”.
- (14) In Schedule 1 (calculation of N and M)—

(25) Regulation 16 was substituted by regulation 4(6) of [S.R. 1996 No. 317](#)

(26) Paragraph (2A) was inserted by regulation 4(7)(c) of [S.R. 1995 No. 475](#)

(27) Paragraph (2ZA) was inserted by regulation 51(4)(b) of [S.R. 1996 No. 541](#)

(28) Head (ii) was amended by regulation 7(13) of [S.R. 1996 No. 288](#)

(29) Sub-paragraph (b) was amended by regulation 7(14) of [S.R. 1996 No. 288](#)

- (a) in paragraph 1—
- (i) at the end of sub-paragraph (2)(a) there shall be added “except any such payment which is made in respect of housing costs and those housing costs are included in the calculation of the exempt or protected income of the absent parent under regulation 9(1)(b) or, as the case may be, regulation 11(1)(b)”;
 - (ii) at the end of sub-paragraph (2)(h)(30) there shall be added “except any such allowance which is made in respect of housing costs and those housing costs are included in the calculation of the exempt or protected income of the absent parent under regulation 9(1)(b) or, as the case may be, regulation 11(1)(b)”;
 - (iii) in sub-paragraph (3) after head (a) there shall be inserted the following head—
 - “(aa) where a person is an employed earner in the Republic of Ireland the amounts deducted for income tax and primary Class 1 contributions shall be such amounts as, in the opinion of the child support officer, would have been deducted had the person been employed in Northern Ireland;”;
- (b) in paragraph 3—
- (i) in sub-paragraph (3) at the end of heads (c) and (d) there shall be added “or (6A)”;
 - (ii) in sub-paragraph (5)(31) at the beginning of head (b) there shall be inserted “subject to head (bb),” and after head (b) there shall be inserted the following head—
 - “(bb) where taxable earnings are determined over a period of less or more than one year, the amount of earnings to which each tax rate applies shall be reduced or increased in the same proportion to that which the period represented by the chargeable earnings bears to the period of one year;”;
 - (iii) after sub-paragraph (6) there shall be inserted the following sub-paragraph—
 - “(6A) Where the claimant is a self-employed earner in the Republic of Ireland the amounts to be deducted for income tax and social security contributions shall be such amounts as, in the opinion of the child support officer, would have been deducted had the person been employed in Northern Ireland.”;
- (c) in paragraph 15(32) for “except payments or other amounts which are excluded from the definition of “earnings” by virtue of paragraph 1(2)” there shall be substituted “except payments or other amounts which—
- (a) are excluded from the definition of “earnings” by virtue of paragraph 1(2);
 - (b) are excluded from the definition of “the relevant income of a child” by virtue of paragraph 23; or
 - (c) are the share of housing costs attributed by virtue of regulation 15(3) to any former partner of the parent of the qualifying child in respect of whom the maintenance assessment is made and are paid to that parent.”;
- (d) in paragraph 20(b)(33) for “3(1)(c)(i)” there shall be substituted “3(1)(c)”;
- (e) in paragraph 23(b) for “in respect of” there shall be substituted “to”.
- (15) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M) at the end of paragraph 43 there shall be added “of Schedule 1”.
- (16) In Schedule 3 (eligible housing costs)—
- (a) in paragraph 1—

(30) Head (h) was inserted by regulation 3(7)(a)(ii) of S.R. 1996 No. 590

(31) Sub-paragraph (5) was substituted by regulation 3(7)(c) of S.R. 1996 No. 590

(32) Paragraph 15 was amended by regulation 4(8)(c) of S.R. 1996 No. 317

(33) Sub-paragraph (b) was amended by regulation 7(15)(b) of S.R. 1996 No. 288

- (i) for “the following payments” there shall be substituted “the following amounts payable”;
 - (ii) in sub-paragraphs (a) and (j) for “payments of, or by way of,” there shall be substituted “amounts payable by way of”;
 - (iii) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
 - “(b) amounts payable by way of mortgage interest.”;
 - (iv) in sub-paragraphs (c) and (d) for “interest payments” there shall be substituted “amounts payable by way of interest”;
 - (v) in sub-paragraphs (e) to (i), (l) and (m) for “payments” there shall be substituted “amounts payable”;
 - (vi) in sub-paragraph (n) for the word “payments” where it first appears there shall be substituted “amounts payable” and for “payments made by the employer deducting the payment in question” there shall be substituted “any amounts deductible by the employer”;
 - (vii) for sub-paragraph (p) there shall be substituted the following sub-paragraph—
 - “(p) amounts payable in respect of a loan taken out to pay off another loan but only to the extent that it was incurred in respect of amounts eligible to be taken into account as housing costs by virtue of other provisions of this Schedule.”;
- (b) in paragraph 3—
- (i) in sub-paragraphs (2) and (2A)(34) for “makes periodical payments” there shall be substituted “is liable to make periodical payments” and for “the amount of those payments” there shall be substituted “those amounts payable”;
 - (ii) in sub-paragraph (3) for “certain payments made” there shall be substituted “certain amounts payable” and for “the weekly amount of any other payments which are made” there shall be substituted “any other amounts payable”;
 - (iii) in sub-paragraphs (4) and (5)(35) for the words “premiums paid” in each place where they occur there shall be substituted “premiums payable”;
 - (iv) in sub-paragraph (6)(b) for “payments” there shall be substituted “amounts payable”.

Further amendment of the Maintenance Assessments and Special Cases Regulations

5.—(1) The Maintenance Assessments and Special Cases Regulations shall be further amended in accordance with paragraphs (2) and (3).

(2) In regulation 9 (exempt income: calculation or estimation of E)—

- (a) in paragraph (1)—
 - (i) sub-paragraph (c) shall be omitted;
 - (ii) for sub-paragraph (f) there shall be substituted the following sub-paragraph—
 - “(f) where, if the parent were a claimant, the conditions in paragraph 3(1) of the relevant Schedule (income support family premium) would be satisfied in respect of a relevant child of that parent, the amount specified in head (b) of that paragraph or, where those conditions would be satisfied only by virtue of the case being one to which paragraph (2) applies, half that amount.”;

(34) Sub-paragraph (2A) was inserted by regulation 4(9)(a) of S.R. 1995 No. 475

(35) Sub-paragraph (5) was substituted by regulation 5(6) of S.R. 1994 No. 37

- (b) in paragraph (2)(c)(iv) for “paragraph 3(b)” there shall be substituted “paragraph 3(1)(b)”.
- (3) In regulation 11 (protected income)—
 - (a) in paragraph (1)—
 - (i) sub-paragraph (c) shall be omitted;
 - (ii) for sub-paragraph (f) there shall be substituted the following sub-paragraph—
 - “(f) where, if the parent were a claimant, the conditions in paragraph 3(1) of the relevant Schedule (income support family premium) would be satisfied, the amount specified in head (b) of that paragraph ;”;
 - (b) in paragraph (3) for “sub-paragraph (c) or (f)” there shall be substituted “sub-paragraph (f)”.

Amendment of the Child Support (Collection and Enforcement) Regulations

6. In regulation 12 of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992(36) (amount to be deducted by employer) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Where, on any pay-day, the liable person receives a payment of earnings covering a period longer than the period by reference to which the normal deduction rate is set, the employer shall, subject to paragraph (2), make a deduction from the net earnings paid to that liable person on that pay-day of an amount which is in the same proportion to the normal deduction rate as that longer period is to the period by reference to which that normal deduction rate is set.”.

Amendment of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations

7. In regulation 3(1) of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992(37) (relationship between maintenance assessments and certain court orders) after sub-paragraph (l) there shall be added the following sub-paragraph—

“(m) Schedule 1 to the Children (Northern Ireland) Order 1995(38).”.

Amendment of the Child Support Appeal Tribunals (Procedure) Regulations

8.—(1) The Child Support Appeal Tribunals (Procedure) Regulations (Northern Ireland) 1993(39) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (citation, commencement and interpretation) at the end of sub-paragraph (cc)(40) in the definition of “party to the proceedings” there shall be added “or to a referral”.

(3) In regulation 3(41) (making an appeal or application and time limits)—

- (a) in paragraph (11A) “at the appropriate office” shall be omitted;
- (b) in paragraph (11B) for “paragraph (9)” there shall be substituted “paragraph (9) or (10)” and for “in the appropriate office” there shall be substituted “by the clerk to the tribunal”.

(36) S.R. 1992 No. 390; to which there are amendments not relevant to these Regulations

(37) S.R. 1992 No. 466; regulation 3(1) was substituted by regulation 7(4) of S.R. 1995 No. 162

(38) S.I. 1995/755 (N.I. 2)

(39) S.R. 1993 No. 50; relevant amending regulations are S.R. 1996 Nos. 457 and 541

(40) Sub-paragraph (cc) was inserted by regulation 53(2)(a)(ii) of S.R. 1996 No. 541

(41) Paragraphs (11A) and (11B) were inserted by regulation 2(2) of S.R. 1996 No. 457

(4) In regulation 5(1)(42) (directions) after “and may” there shall be inserted “, subject to paragraph (3),”.

(5) In regulation 11(1)(43) (hearings) the word “application” wherever it appears shall be omitted.

Amendment of the Departure Direction Regulations

9.—(1) The Departure Direction Regulations shall be amended in accordance with paragraphs (2) to (24).

(2) In regulation 8 (procedure in relation to the determination of an application)—

(a) in paragraph (1) after “Department shall” there shall be inserted “, unless it is satisfied on the information or evidence available to it that a departure direction is unlikely to be given”;

(b) after paragraph (4) there shall be inserted the following paragraph—

“(4A) Where the provisions of paragraph (1) have not been complied with because the Department was satisfied on the information or evidence available to it that a departure direction was unlikely to be given, but on further consideration of the application it is minded to give a departure direction in that case, it shall, before doing so, comply with the provisions of this regulation.”.

(3) For regulation 9 (departure directions and persons in receipt of income support or income-based jobseeker’s allowance) there shall be substituted the following regulation—

“Departure directions and persons in receipt of income support, income-based jobseeker’s allowance, family credit or disability working allowance

9.—(1) The costs referred to in regulations 13 to 18 shall not constitute special expenses where they are or were incurred—

(a) by an absent parent to or in respect of whom income support or income-based jobseeker’s allowance is or was in payment at the date on which any departure direction given in response to that application would take effect;

(b) by a person with care to or in respect of whom income support, income-based jobseeker’s allowance, family credit or disability working allowance is or was in payment at the date on which any departure direction given in response to that application would take effect; or

(c) by a person with care where, at the date on which any departure direction given in response to that application would take effect, income support or income-based jobseeker’s allowance is or was in payment to or in respect of the absent parent of the child or children in relation to whom the maintenance assessment in question is made.

(2) A transfer shall not constitute a transfer of property for the purposes of paragraph 3(1)(b) or 4(1)(b) of Schedule 4B to the Order(44), or of regulations 21 and 22, where the application is made—

(a) by an absent parent to or in respect of whom income support or income-based jobseeker’s allowance is or was in payment at the date on which any departure direction given in response to that application would take effect;

(b) by a person with care and, at the date on which any departure direction given in response to that application would take effect, income support or income-based

(42) Regulation 5 was amended by regulation 2(3) of S.R. 1996 No. 457 and regulation 53(4) of S.R. 1996 No. 541

(43) Paragraph (1) was substituted by regulation 2(7)(a) of S.R. 1996 No. 457

(44) Schedule 4B was inserted by Schedule 1 to the Child Support (Northern Ireland) Order 1995

jobseeker's allowance is or was in payment to or in respect of the absent parent of the child or children in relation to whom the maintenance assessment in question is made.

(3) A case shall not constitute a case under regulations 23 to 29 where the application is made—

- (a) by an absent parent to or in respect of whom income support or income-based jobseeker's allowance is or was in payment at the date on which any departure direction given in response to that application would take effect;
- (b) by an absent parent where, at the date on which any departure direction given in response to that application would take effect, income support, income-based jobseeker's allowance, family credit or disability working allowance is or was in payment to or in respect of the person with care of the child or children in relation to whom the maintenance assessment in question is made;
- (c) by a person with care where, at the date on which any departure direction given in response to that application would take effect, income support or income-based jobseeker's allowance is or was in payment to or in respect of the absent parent of the child or children in relation to whom the maintenance assessment in question is made.”.

(4) In regulation 11 (departure application and review under Article 19 of the Order) for “is later” there shall be substituted “would be later”.

(5) After regulation 11 there shall be inserted the following regulation—

“Meaning of “current assessment” for the purposes of the Order

11A. Where—

- (a) an application made under Article 28A of the Order⁽⁴⁵⁾ has been made in respect of a current assessment;
- (b) after the making of that application, that current assessment has been reviewed under Article 18, 19, 20 or 21 of the Order, whether or not that review was initiated by a reference under Article 28B(4) of the Order; and
- (c) following that review, a fresh maintenance assessment has been made—
 - (i) the effective date of which is the same as the effective date of that current assessment, or
 - (ii) which takes effect on the correct date applicable to that current assessment in circumstances where that current assessment has been reviewed on grounds which include the ground that its effective date was incorrect,

references to the current assessment in Articles 28B(3), 28C(2)(a) and 28F(5) of, and in paragraph 8 of Schedule 4A and paragraphs 2, 3 and 4 of Schedule 4B to, the Order shall have effect as if they were references to that fresh maintenance assessment.”.

(6) In regulation 15 (illness or disability)—

- (a) at the beginning of paragraphs (3) and (4) there shall be inserted “Subject to paragraph (4A),”;
- (b) after paragraph (4) there shall be inserted the following paragraph—

“(4A) Paragraphs (3) and (4) shall not apply where the dependant of an applicant is adjudged eligible for either of the allowances referred to in paragraph (4) and in all the circumstances of the case the Department considers that the costs being met by the

(45) Articles 28A to 28C and 28F were inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995

applicant in respect of the items listed in paragraph (1) shall constitute special expenses for the purposes of paragraph 2(2) of Schedule 4B to the Order without the deductions in paragraph (3) being made.”.

- (7) In regulation 17 (pre-1993 financial commitments)—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a) for “a court order or” there shall be substituted “a maintenance order or a written” and at the end “and” shall be omitted;
 - (ii) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
 - “(aa) at least one of the children referred to in sub-paragraph (a) is a child in respect of whom the current assessment was made; and”;
 - (b) paragraph (2) shall be omitted.
- (8) In regulation 18 (costs incurred in supporting certain children)—
- (a) in paragraph (1) after “part of his family” there shall be inserted “and who was, at the date on which any departure direction given in response to an application under this regulation would take effect, living in the same household as that parent”;
 - (b) in paragraph (2)—
 - (i) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
 - “(a) the child became a relevant child prior to 5th April 1993 and has remained a relevant child for the whole of the period from that date to the date on which any departure direction given in response to an application under this regulation would take effect;”;
 - (ii) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
 - “(b) subject to paragraph (7)—
 - (i) the liability of the absent parent of a relevant child to pay maintenance to or for the benefit of that child under a maintenance order, a written maintenance agreement or a maintenance assessment, or
 - (ii) any deduction from benefit under Article 40 of the Order in place of payment of child support maintenance to or for the benefit of that child,
 is less than the amount specified in paragraph (4), or there is no such liability or deduction; and”;
 - (c) in paragraph (3)—
 - (i) at the beginning there shall be inserted “Subject to paragraph (7A),”;
 - (ii) after “paragraph (2)(b)” there shall be inserted “(i) or any deduction from benefit mentioned in paragraph (2)(b)(ii)”;
 - (iii) after “no such liability” there shall be inserted “or deduction”;
 - (d) in paragraph (4)—
 - (i) at the beginning there shall be inserted “Subject to paragraphs (4A) and (4B),”;
 - (ii) at the end of sub-paragraph (b) there shall be added “and”;
 - (iii) for sub-paragraph (c) there shall be substituted the following sub-paragraph—
 - “(c) except where the family includes other children of the parent, an amount equal to the income support family premium—

- (i) specified in sub-paragraph (a) of paragraph 3 of that Schedule where, if the applicant were a claimant, the rate of income support family premium specified in that sub-paragraph would be applicable to him, or
 - (ii) specified in paragraph 3(b) in all other cases.”;
- (iv) sub-paragraph (d) shall be omitted;
- (e) after paragraph (4) there shall be inserted the following paragraphs—
 - “(4A) Where day to day care of the relevant child is shared between the current partner of the person making an application under this regulation and the other parent of that child, the amounts referred to in paragraph (4) shall be reduced by the proportion of those amounts which is the same as the proportion of the week in respect of which the child is not living in the same household as the applicant.
 - (4B) Where an application under paragraph (1) is made in respect of more than one relevant child and the family does not include any other children of the parent, the amount applicable under sub-paragraph (c) of paragraph (4) in respect of each relevant child shall be calculated by dividing the amount referred to in that sub-paragraph by the number of relevant children in respect of whom that application is made.”;
- (f) in paragraph (6) at the end of sub-paragraph (d) there shall be added “or the aggregate of those amounts where paragraph (7A) applies to that partner”;
- (g) in paragraph (7) after “paragraph (2)(b)” there shall be inserted “(i)”;
- (h) after paragraph (7) there shall be inserted the following paragraph—
 - “(7A) Where an application is made in respect of relevant children of different parents, a separate calculation shall be made in accordance with paragraphs (3) and (4) in respect of each relevant child or group of relevant children who have the same parents and the amount constituting special expenses referred to in paragraph (1) shall be the aggregate of the amounts calculated in accordance with paragraph (3) in respect of each such relevant child or group of relevant children.”;
- (i) in paragraph (8) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
 - “(a) a child who is not the child of a particular person is a part of that person’s family where—
 - (i) that child is the child of a current partner of that person, or
 - (ii) that child is the child of a former partner of that person and lives in the same household as the applicant for every night of each week;”.
- (9) In regulation 22(1) (value of a transfer of property and its equivalent weekly value for a case falling within paragraph 3 of Schedule 4B to the Order) after “in lieu of” there shall be inserted “periodical payments of”.
- (10) In regulation 23 (assets capable of producing income or higher income) paragraph (3) shall be omitted.
- (11) In regulation 25 (life-style inconsistent with declared income)—
 - (a) in paragraph (1) “maintenance” shall be omitted;
 - (b) for paragraph (2) there shall be substituted the following paragraph—
 - “(2) Paragraph (1) shall not apply where the Department is satisfied that the life-style of the non-applicant is paid for—
 - (a) out of capital belonging to him; or

- (b) by his partner, unless the non-applicant is able to influence or control the amount of income received by that partner.”;
- (c) in paragraph (3) for “(2)(b)(ii)” there shall be substituted “(2)(b)”.
- (12) In regulation 32 (effective date of a departure direction)—
 - (a) in paragraph (3) for “paragraph (6)” there shall be substituted “paragraphs (3A) and (6)”;
 - (b) after paragraph (3) there shall be inserted the following paragraph—
 - “(3A) Where an application is determined in accordance with regulation 14 and is one to which paragraph (7) of that regulation applies, a departure direction given in response to that application shall take effect—
 - (a) from the first day of the maintenance period immediately following the date on which the absent parent and the parent with care have agreed the pattern of contact for the future is to commence; or
 - (b) where no such date has been so agreed, from the first day of the maintenance period immediately following the date upon which the departure direction is given.”.
- (13) After regulation 34 (cancellation of a departure direction on recognition of an error) there shall be inserted the following regulation—

“Correction of accidental errors in departure directions

34A.—(1) Subject to paragraphs (3) and (4), accidental errors in any departure direction made by the Department or record of such a departure direction may, at any time, be corrected by the Department and a correction made to, or to the record of, that departure direction shall be deemed to be part of that direction or of that record.

(2) Where the Department has made a correction under the provisions of paragraph (1), it shall immediately notify the persons who were notified of the departure direction that has been corrected, so far as that is reasonably practicable.

(3) In determining whether the time limit specified in Article 28H(3) of the Order⁽⁴⁶⁾ has been complied with, there shall be disregarded any day falling before the day on which notification was given or sent under paragraph (2).

(4) The power to correct errors under this regulation shall not be taken to limit any other powers to correct errors that are exercisable apart from these Regulations.”.

- (14) In regulation 37 (effect of a departure direction in respect of special expenses—exempt income)—
 - (a) in paragraph (1) after “shall be increased by” there shall be inserted “the amount specified in that departure direction being the whole or part of”;
 - (b) in paragraph (4) for the words “repayment of”, where they first appear, there shall be substituted “the whole or part of the amount required to repay”.
- (15) In regulation 39(1) (effect of a departure direction in respect of a transfer of property) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
 - “(b) subject to sub-paragraph (c) and paragraphs (2) and (3), the fresh maintenance assessment made in consequence of the direction shall be the lower of—
 - (i) the amount, calculated in accordance with the provisions of paragraphs 1 to 5 and 7 to 10 of Part I of Schedule 1 to the Order, as modified in a case to which it applies by sub-paragraph (a) where that sub-paragraph is applicable to the case in question,

(46) Article 28H was inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995

reduced by the amount specified in that departure direction being the whole or part of the equivalent weekly value of the property transferred as determined in accordance with regulation 22, or

- (ii) where the provisions of paragraph 6 of Schedule 1 to the Order (protected income) apply, the amount, calculated in accordance with the provisions of Part I of Schedule 1 to the Order, as modified in a case to which it applies by sub-paragraph (a) where that sub-paragraph is applicable to the case in question;”.

(16) In regulation 40 (effect of a departure direction in respect of additional cases) in paragraphs (2) to (5) after “shall be increased by” there shall be inserted “the amount specified in that departure direction, being the whole or part of”.

(17) In regulation 41 (child support maintenance payable where effect of a departure direction would be to decrease an absent parent’s assessable income)—

- (a) for paragraph (3) there shall be substituted the following paragraph—

“(3) There shall be determined the amount that would be payable under a maintenance assessment made in accordance with the provisions of Part I of Schedule 1 to the Order which would be in force at the date any departure direction referred to in paragraph (1) would take effect if it were to be given.”;

- (b) for paragraph (4) there shall be substituted the following paragraph—

“(4) The revised amount for the purposes of regulation 7 (rejection of application on completion of a preliminary consideration) and regulation 31 (refusal to give a departure direction under Article 28F(4) of the Order) shall be the lowest of the following amounts—

- (a) the amount calculated in accordance with paragraph (2);
- (b) the amount determined in accordance with paragraph (3);
- (c) where the provisions of paragraph 6 of Schedule 1 to the Order (protected income) as modified in a case to which they apply by the provisions of regulation 38 (effect of a departure direction in respect of special expenses—protected income) would apply if a departure direction were given, the amount payable under those provisions,

and the Department may apply regulation 7 and shall apply regulation 31 in relation to the current amount and the revised amount as so construed.”;

- (c) in paragraph (5) “Subject to paragraph (7),” shall be omitted;
- (d) paragraph (7) shall be omitted;
- (e) in paragraph (8) for “paragraphs (1) to (7)” there shall be substituted “paragraphs (1) to (6)”.

(18) In regulation 42 (application of regulation 41 where there is a transfer of property falling within paragraph 3 of Schedule 4B to the Order)—

- (a) for paragraph (1) there shall be substituted the following paragraphs—

“(1) Where an absent parent applies for a departure direction on the grounds that the case falls within both paragraph 2 of Schedule 4B to the Order (special expenses) and paragraph 3 of that Schedule (property or capital transfers), regulation 41 shall be applied subject to the modifications set out in paragraphs (1A) to (3).

(1A) In regulation 41(1), the reference to a departure direction shall be construed as a reference to any departure direction that would be given if the application had been made solely on the grounds that the case falls within paragraph 2 of Schedule 4B to the Order, and the reference to the absent parent’s assessable income shall be construed as a reference to the assessable income calculated in consequence of such a direction.”;

- (b) for paragraph (3) there shall be substituted the following paragraph—
- “(3) For the purposes of this regulation, the revised amount for the purposes of regulations 7 and 31 shall be—
- (a) subject to sub-paragraph (b), the lower of the amounts specified in regulation 41(4)(a) and (b), subject to paragraph (2) of this regulation, less the amount determined in accordance with regulation 22 (value of a transfer of property and its equivalent weekly value for a case falling within paragraph 3 of Schedule 4B to the Order);
- (b) where the amount specified in regulation 41(4)(c) is lower than the amount determined in accordance with sub-paragraph (a), that amount.”;
- (c) in paragraph (4) after “following that direction shall be” there shall be inserted “determined by the child support officer as being”.
- (19) After regulation 42 there shall be inserted the following regulation—

“Application of regulation 41 where the case falls within paragraph 2 and paragraph 5 of Schedule 4B to the Order

42A.—(1) Where an absent parent applies for a departure direction on the grounds that the case falls within both paragraph 5 of Schedule 4B to the Order (additional cases) and paragraph 2 of that Schedule (special expenses), and the conditions set out in regulation 41(1) are satisfied, the amount of child support maintenance payable shall be determined in accordance with paragraphs (2) to (6).

(2) The application shall in the first instance be treated as an application (an “additional cases application”) made solely on the grounds that the case falls within paragraph 5 of Schedule 4B to the Order, and a determination shall be made as to whether a departure direction would be given in response to that application.

(3) Following the determination mentioned in paragraph (2), the application shall be treated as an application (a “special expenses application”) made solely on the grounds that the case falls within paragraph 2 of Schedule 4B to the Order, and the provisions of regulation 41 shall be applied to the special expenses application, subject to the provisions of paragraphs (4) to (6).

(4) Where no departure direction would be given in response to the additional cases application, the provisions of regulation 41 shall be applied to determine the amount of child support maintenance payable.

(5) Where a departure direction would be given in response to the additional cases application, the provisions of regulation 41 shall be applied to determine the amount of child support maintenance payable, subject to the modification set out in paragraph (6).

(6) In regulation 41 for paragraph (3) there shall be substituted the following paragraph—

“(3) There shall be determined the amount that would be payable under the maintenance assessment made in consequence of the direction that would be given in response to the additional cases application mentioned in regulation 42A(2) which would be in force at the date any departure direction referred to in paragraph (1) would take effect if it were to be given.”.

(7) Where—

- (a) a departure direction has been given in a case where regulation 41 has been applied and an application is then made on the grounds that the case falls within paragraph 5 of Schedule 4B to the Order; or
- (b) a departure direction has been given on the grounds that the case falls within paragraph 5 of Schedule 4B to the Order, an application is then made on the grounds

that the case falls within paragraph 2 of that Schedule, and the conditions set out in regulation 41(1) are satisfied,

the case shall be treated as a case which falls within paragraph (1), and the date of the later application treated as the date on which both applications were made.

(8) Where a departure direction is given in accordance with the provisions of paragraph (7), the earlier direction shall cease to have effect from the date the later direction has effect.”.

(20) In regulation 43(2) (maintenance assessment following a departure direction for certain cases falling within regulation 22 of the Maintenance Assessments and Special Cases Regulations)—

(a) for “lower” there shall be substituted “lowest”;

(b) for sub-paragraph (b) there shall be substituted the following sub-paragraphs—

“(b) the amount calculated by the formula—

$$(A \times P) \times \frac{Y}{Q}$$

where

A and P have the same meanings as in regulation 41(2) and Q is the sum of the amounts calculated in accordance with sub-paragraph (a) for each assessment;

(c) where the provisions of paragraph 6 of Schedule 1 to the Order (protected income) apply, as modified in a case to which they apply by the provisions of regulation 38 (effect of a departure direction in respect of special expenses—protected income) or, as the case may be, regulation 40(6), (8) or (10) (effect of departure direction in respect of additional cases), the amount calculated as payable under those provisions.”.

(21) In regulation 44(5) (maintenance assessment following a departure direction where there is a phased maintenance assessment) for “paragraphs (1) to (3)” there shall be substituted “paragraphs (1) and (3)”.

(22) In regulation 46(2) (special case—departure direction having effect from date earlier than effective date of current assessment) at the end of sub-paragraph (b) there shall be added “or, where regulation 11A (meaning of “current assessment” for the purposes of the Order) applies, in respect of the fresh maintenance assessment referred to in that regulation”.

(23) After regulation 46 there shall be inserted the following regulation—

“Cases to which regulation 11A applies

46A.—(1) A case where the conditions set out in regulation 11A(a) to (c) (meaning of “current assessment” for the purposes of the Order) are satisfied shall be treated as a special case for the purposes of the Order.

(2) Where a case falls within paragraph (1), references to “the current assessment” and “the current amount” in these Regulations shall, subject to paragraph (3), be construed as including reference to the fresh maintenance assessment referred to in regulation 11A.

(3) Paragraph (2) shall not apply to references to “the current assessment” in regulation 32, with the exception of the reference in paragraph (1)(a) of that regulation, and in regulations 46, 47 and 48.”.

(24) In the Schedule (equivalent weekly value of a transfer of property)—

(a) in paragraph 2 the Table—

(i) before the column headed “8.0%” there shall be inserted the following column—

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“7.0%
0.02058
0.01064
0.00733
0.00568
0.00469
0.00403
0.00357
0.00322
0.00295
0.00274
0.00256
0.00242
0.00230
0.00220
0.00211
0.00204
0.00197
0.00191”;

(ii) between the columns headed “10.0%” and “12.0%” there shall be inserted the following column—

“11.0%
0.02135
0.01123
0.00787
0.00620
0.00520
0.00455
0.00408
0.00374
0.00347
0.00327
0.00310
0.00296
0.00285

“11.0%
0.00275
0.00267
0.00261
0.00255
0.00250”;

- (b) in paragraph 4 for “maintenance that was” there shall be substituted “periodical payments of maintenance which were”;
- (c) paragraph 5 shall be omitted.

Further amendment of the Departure Direction Regulations

10. In regulation 18(4) of the Departure Direction Regulations (costs incurred in supporting certain children) for sub-paragraph (c) there shall be substituted the following sub-paragraph—

- “(c) except where the family includes other children of the parent, an amount equal to the income support family premium specified in paragraph 3(1)(b) of that Schedule that would be payable if the parent were a claimant.”.

Transitional provisions

11.—(1) A maintenance assessment in force on 19th January 1998 shall not be reviewed solely to give effect to regulation 4(2)(a)(iii), (8) or (14)(a)(i) and (ii) but on a review of that assessment under Article 18, 19, 20 or 21 of the Order, those provisions of that regulation shall apply to any fresh maintenance assessment made following that review from the effective date of that assessment, or from the first day of the first maintenance period which begins on or after 19th January 1998, whichever is the later.

(2) A maintenance assessment in force on 6th April 1998 shall not be reviewed solely to give effect to regulations 4(4) and (5), (10), (12), (13) and (14)(d) and 5, but on a review of that assessment under Article 18, 19, 20 or 21 of the Order, those regulations shall apply to any fresh maintenance assessment made following that review from the effective date of that assessment, or from the first day of the first maintenance period which begins on or after 6th April 1998, whichever is the later.

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

L.S.

16th January 1998.

John O'Neill
Assistant Secretary

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend various regulations made under the Child Support (Northern Ireland) Order 1991.

The Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992 are amended to make provision for disclosure of information to courts in connection with proceedings relating to a maintenance order or maintenance agreement (regulation 2).

Regulation 16 of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992 is amended to provide for the calculation of the date on which a periodical review shall be undertaken in cases where more than one review has taken place since the assessment made on the last periodical review (regulation 3(6)).

The provisions for calculation of exempt and protected income in the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 are amended to reflect the removal of income support lone parent premium and of the higher rate of income support family premium for lone parents (regulations 4(4) to (7) and (13) and 5); and to make clear that where housing costs are shared and the other party does not pay his share, the parent can be allowed the full amount of the housing costs if he pays the other party's share (regulation 4(8)).

The Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992 are amended to make provision for the appropriate amount of a deduction to be made when a person is paid in advance (regulation 6).

The Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992 are amended to provide for maintenance orders under the Children (Northern Ireland) Order 1995 to be relevant for the purposes of Article 12 of the Child Support (Northern Ireland) Order 1991 (regulation 7).

The Child Support Appeal Tribunals (Procedure) Regulations (Northern Ireland) 1993 are amended to remove the obligation on clerks to tribunals to ask the parties whether they want an oral hearing of an application on certain limited technical grounds to set aside a decision (regulation 8).

The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996 are amended in the following respects—

- (a) regulation 8 is amended to provide for notification of an application for a departure direction not to be given to other interested persons where the Department of Health and Social Services ("the Department") is satisfied a direction is unlikely to be given (regulation 9(2));
- (b) regulation 11A is inserted to make provision for a departure direction to be considered against an assessment which has been made following a review of the assessment in force at the time of the application for that direction (regulation 9(5));
- (c) regulation 15 is amended to allow the Department to consider an application for a departure direction in respect of the cost of illness or disability of the absent parent's dependant without deducting from the amount applied for any financial assistance, including benefits, payable in respect of the illness or disability (regulation 9(6));
- (d) regulation 18 is amended to allow account to be taken in the calculation of the costs incurred in supporting stepchildren of deductions made from benefit in lieu of maintenance where the absent parent is on income support or income-based jobseeker's allowance; and

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to take account of the abolition of income support lone parent premium and of the higher rate of family premium for lone parents (regulations 9(8) and 10);

- (e) regulation 34A is inserted to make provision for the correction of accidental errors in departure directions (regulation 9(13));
- (f) regulations 37, 39 and 40 are amended to make it clear that a departure direction can be given for less than the full amount which might have been applicable in the particular case (regulation 9(14) to (16)).

Other amendments are of a minor, technical or consequential nature.