
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 12

The Child Support (Temporary Compensation Payment Scheme) Regulations (Northern Ireland) 2001

Prescribed circumstances

4.—(1) In relation to cases of arrears which have become due under a maintenance assessment falling within section 26(1)(a) of the Act or a fresh maintenance assessment falling within section 26(1)(b) of the Act or regulation 2(1), the prescribed circumstances for the purposes of section 26(3) of the Act are that—

- (a) more than 6 months of arrears of child support maintenance have become due under the maintenance assessment;
- (b) at least 3 months of those arrears are due to unreasonable delay due to an act or omission by the Department or a child support officer as the case may be;
- (c) the Department is authorised under Article 29(1) of the Child Support Order to arrange for the collection of child support maintenance payable in accordance with the maintenance assessment;
- (d) the Department is satisfied that the absent parent is, at the time the agreement is made, making such payments as are required of him in accordance with regulations made under Article 29(3)(b) or (c) of the Child Support Order;
- (e) where the absent parent is liable to make child support maintenance payments under a different maintenance assessment, there are no existing arrears in relation to any of them at the time the agreement is made, except for those arrears that the Department is satisfied have arisen through no fault of the absent parent; and
- (f) in relation to cases under section 26(1)(b) of the Act or regulation 2(1), the absent parent has paid any arrears which he has been required to pay in relation to the maintenance assessment, or has done so except in relation to—
 - (i) arrears of at least 3 months which are due to unreasonable delay due to an act or omission of the Department or a child support officer as the case may be, or
 - (ii) any other arrears that the Department is satisfied have arisen through no fault of the absent parent.

(2) In this regulation “agreement” means an agreement under section 26 of the Act.