
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 19

**The Child Support (Transitional Provisions)
Regulations (Northern Ireland) 2001**

Part I

General

Citation and commencement

1. These Regulations may be cited as the Child Support (Transitional Provisions) Regulations (Northern Ireland) 2001 and shall come into operation on the day on which section 28 of the Act comes fully into operation.

Interpretation

2.—(1) In these Regulations—

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

“the Act” means the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;

“calculation date” means the date the Department makes a conversion decision;

“capped amount” means the amount of income for the purposes of Part I of Schedule 1 to the Order(1) where that income is limited by the application of paragraph 10(3) of that Schedule;

“case conversion date” means the effective date for the conversion of the non-resident parent’s liability to pay child support maintenance from the rate as determined under the former Order and Regulations made under that Order, as provided for in regulation 15;

“commencement date” means the date on which section 1 of the Act, which amends Article 13 of the Order, comes into operation for the purposes of maintenance calculations the effective date of which, were they maintenance assessments, applying the Maintenance Assessment Procedure Regulations or the Maintenance Arrangements and Jurisdiction Regulations, and subject to paragraph (2), would be the same as or later than the date prescribed for the purposes of Article 7(10)(a) of the Order(2);

“conversion calculation” means the calculation made in accordance with regulation 16;

“conversion date” means the date on which section 1 of the Act, which amends Article 13 of the Order, comes into operation for all purposes;

“conversion decision” means the decision under regulation 3(1) or (4);

(1) Part I was substituted by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(2) Paragraph (10) was inserted by Article 12(1) of the Child Support (Northern Ireland) Order 1995 (S.I.1995/2702 (N.I. 13)) and sub-paragraph (a) was amended by section 2(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

“the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(3);

“departure direction” has the meaning given in Article 2(2) of the former Order(4);

“the Departure Regulations” means the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(5);

“first prescribed amount” means the amount stated in or prescribed for the purposes of paragraph 4(1)(b) or (c) of Part I of Schedule 1 to the Order (flat rate for non-resident parent in receipt of benefit, pension or allowance);

“former assessment amount” means the amount of child support maintenance payable under a maintenance assessment on the calculation date excluding amounts payable in respect of arrears or reductions for overpayments;

“former Order” means the Order prior to its amendment by the Act;

“interim maintenance assessment” has the meaning given in Article 2(2) of the former Order;

“the Maintenance Arrangements and Jurisdiction Regulations” means the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992(6), prior to their amendment by the Child Support (Information, Evidence and Disclosure and Maintenance Arrangements and Jurisdiction) (Amendment) Regulations (Northern Ireland) 2001(7);

“maintenance assessment” has the meaning given in Article 2(2) of the former Order other than an interim maintenance assessment;

“the Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(8);

“the Maintenance Assessments and Special Cases Regulations” means the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(9);

“the Maintenance Calculations and Special Cases Regulations” means the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(10);

“maintenance period” has the meaning given in regulation 32 of the Maintenance Assessment Procedure Regulations (maintenance periods)(11) and, where in relation to a non-resident parent there is in force on the calculation date more than one maintenance assessment with more than one maintenance period, the first maintenance period to begin on or after the conversion date;

“maximum transitional amount” means 30 per cent. of the non-resident parent’s net weekly income taken into account in the conversion decision, or the subsequent decision, as the case may be;

“new amount” means the amount of child support maintenance payable in accordance with the conversion decision;

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- (3) S.R. 1999 No. 162; relevant amending rules are S.R. 1999 Nos. 242, 267, 271 (C. 22), 272, 408, 472 (C. 36) and 473 and S.R. 2000 Nos. 3, 215, 365 and S.R. 2001 No. 23
- (4) The definition of “departure direction” was inserted by paragraph 2 of Schedule 3 to the Child Support (Northern Ireland) Order 1995
- (5) S.R. 1996 No. 541; relevant amending rules are S.R. 1998 No. 8, S.R. 1999 Nos. 167, 385 and 246 (C. 20) and S.R. 2000 No. 215
- (6) S.R. 1992 No. 466; relevant amending rules are S.R. 1993 No. 164, S.R. 1995 Nos. 19, 162 and 475, S.R. 1998 No. 8 and S.R. 1999 No. 246 (C. 20)
- (7) S.R. 2001 No. 16
- (8) S.R. 1992 No. 340; relevant amending rules are S.R. 1993 No. 164, S.R. 1994 Nos. 37 and 65, S.R. 1995 Nos. 19, 162 and 475, S.R. 1996 Nos. 289, 317, 358, 503, 541 and 590, S.R. 1998 No. 8 and S.R. 1999 Nos. 152, 167, 385 and 246 (C. 20)
- (9) S.R. 1992 No. 341; relevant amending regulations are S.R. 1995 No. 162
- (10) S.R. 2001 No. 18
- (11) Regulation 32 was amended by regulation 3(22) of S.R. 1995 No. 475, regulation 3(5) of S.R. 1996 No. 317 and regulation 2(17) of S.R. 1999 No. 167

“partner” means, where there is a couple, the other member of that couple and “couple” for this purpose has the same meaning as in paragraph 10C(5) of Part I of Schedule 1 to the Order;

“phasing amount” means the amount determined in accordance with regulation 24;

“relevant departure direction” and “relevant property transfer” have the meanings given in regulation 17;

“relevant other children” has the meaning given in paragraph 10C(2) of Part I of Schedule 1 to the Order and Regulations made under that paragraph;

“second prescribed amount” means the amount prescribed for the purposes of paragraph 4(2) of Part I of Schedule 1 to the Order (flat rate for non-resident parent who has a partner and who is in receipt of certain benefits);

“subsequent decision” for the purposes of Parts I to III and V means—

(a) any decision under Article 18 or 19 of the Order to revise or supersede a conversion decision; or

(b) any such revision or supersession as decided on appeal,

whether as originally made or as revised under Article 18 of the Order, or decided on appeal;

“subsequent decision amount” means the amount of child support maintenance liability resulting from a subsequent decision;

“transitional amount” for the purposes of Parts I to III and V means the amount of child support maintenance payable during the transitional period;

“transitional period” for the purposes of Parts I to III and V means—

(a) the period from the case conversion date to the end of the last complete maintenance period which falls immediately prior to the—

(i) fifth anniversary of the case conversion date, or

(ii) first anniversary of the case conversion date where regulation 12(1), (2), (4) or (5) or 13 applies; or

(b) if earlier, the period from the case conversion date up to the date when the amount of child support maintenance payable by the non-resident parent is equal to the new amount or the subsequent decision amount, as the case may be; and

“the Variations Regulations” means the Child Support (Variations) Regulations (Northern Ireland) 2001⁽¹²⁾.

(2) For the purposes of the definition of “commencement date” in paragraph (1)—

(a) in the application of the Maintenance Assessment Procedure Regulations, where no maintenance enquiry form, as defined in those Regulations, is given or sent to the non-resident parent, the Regulations shall be applied as if references in regulation 29 of those Regulations (effective dates of new maintenance assessments)⁽¹³⁾—

(i) to the date when the maintenance enquiry form was given or sent to the non-resident parent were to the date on which the non-resident parent is first notified by the Department, orally or in writing, that an application for child support maintenance has been made in respect of which he is named as the non-resident parent, and

(ii) to the return by the non-resident parent of the maintenance enquiry form containing his name, address and written confirmation that he is the parent of the child or children in respect of whom the application was made, were to the provision of this information by the non-resident parent, or

⁽¹²⁾ S.R. 2001 No. 20

⁽¹³⁾ Regulation 29 was amended by regulation 4(5) of S.R. 1995 No. 19, regulation 8(10) of S.R. 1995 No. 162, regulation 3(18) of S.R. 1995 No. 475 and regulation 2(13) of S.R. 1999 No. 167

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- (b) in the application of the Maintenance Arrangements and Jurisdiction Regulations, where no maintenance enquiry form, as defined in the Maintenance Assessment Procedure Regulations, is given or sent to the non-resident parent, regulation 3(7) of the Maintenance Arrangements and Jurisdiction Regulations⁽¹⁴⁾ (relationship between maintenance assessments and certain court orders) shall apply as if the reference to the date when the maintenance enquiry form was given or sent were to the date on which the non-resident parent is first notified by the Department, orally or in writing, that an application for child support maintenance has been made in respect of which he is named as the non-resident parent.

⁽¹⁴⁾ Regulation 3(7) was inserted by regulation 7(4)(b) of S.R. 1995 No. 162 and amended by regulation 7(2) of S.R. 1995 No. 475