
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 19

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

Part III

Amount Payable Following Conversion Decision

Relevant departure direction and relevant property transfer

17.—(1) A relevant departure direction means a departure direction given in relation to the maintenance assessment which is the subject of the conversion decision where that direction was given under the provisions of the former Order and Regulations made under that Order and, where it is one to which one of the following paragraphs applies.

(2) This paragraph applies to a departure direction given on the special expenses grounds in head (b) (contact costs) or (d) (debts of the relationship) of paragraph 2(3) of Schedule 4B to the former Order(1) where and to the extent that they exceed the threshold amount which is—

- (a) £15 per week where the expenses fall within only one of those heads and, where the expenses fall within both heads, £15 per week in respect of the aggregate of those expenses, where the net weekly income is £200 or more; or
- (b) £10 per week where the expenses fall within only one of those heads and, where the expenses fall within both heads, £10 per week in respect of the aggregate of those expenses, where the net weekly income is below £200,

and for this purpose “net weekly income” means the income which would otherwise be taken into account for the purposes of the conversion decision including any additional income which falls to be taken into account under regulation 20.

(3) This paragraph applies to a departure direction given on the ground in paragraph 2(3)(c) of Schedule 4B to the former Order (illness or disability costs) where the illness or disability is of a relevant other child.

(4) This paragraph applies to a departure direction given on the ground in paragraph 3 of Schedule 4B to the former Order (property or capital transfers).

(5) Subject to paragraph (6), this paragraph applies to a departure direction given on the additional cases grounds in paragraph 5(1) of Schedule 4B to the former Order and regulation 24 of the Departure Regulations (diversion of income) or paragraph 5(2)(b) of Schedule 4B to the former Order and regulation 25 of the Departure Regulations (life-style inconsistent with declared income).

(6) Where the new amount, but for the application of a relevant departure direction referred to in paragraph (5), would be the first prescribed amount owing to the application of paragraph 4(1)(b) of Part I of Schedule 1 to the Order, or would be the nil rate under paragraph 5(a) of Part I of that Schedule, paragraph (5) applies where the amount of the additional net weekly income exceeds £100.

(1) Schedule 4B was inserted by Schedule 2 to the Child Support (Northern Ireland) Order 1995

(7) This paragraph applies to a departure direction given on the ground in paragraph 5(2)(a) of Schedule 4B to the former Order (assets capable of producing income) where the value of the assets taken into account is greater than £65,000.

(8) A relevant property transfer is a transfer which was taken into account in the decision as to the maintenance assessment in respect of which the conversion decision is made owing to the application of Schedule 3A to the Maintenance Assessments and Special Cases Regulations (amount to be allowed in respect of transfers of property)(2).

(9) Where—

- (a) a relevant departure direction is taken into account for the purposes of a conversion calculation; or
- (b) a subsequent decision is made following the application of a relevant departure direction to a maintenance assessment,

the relevant departure direction shall for the purposes of any subsequent decision, including the subsequent decision in sub-paragraph (b), be a variation as if an application had been made under Article 28G of the Order for a variation in relation to the same ground and for the same amount.

(2) Schedule 3A was inserted by regulation 9(17) of S.R. 1995 No. 162 and amended by S.R. 1995 No. 475 and S.R. 1999 Nos. 152 and 246 (C. 20)