

## SCHEDULE 4

Article 2(4)

### Amendment of legislation relating to child support

#### **Child Support (Information, Evidence and Disclosure) Regulations**

1. In regulation 3(2)(b) and (c) of the Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(1) (purposes for which information or evidence may be required), after “marital” there shall be inserted “or civil partnership”.

#### **Child Support (Maintenance Assessments and Special Cases) Regulations**

2.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(2) shall be amended in accordance with sub-paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “couple”(3) there shall be substituted the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

- (b) in the definition of “family”(4), for “a married or unmarried couple” (in each place where it occurs) there shall be substituted “a couple”;
- (c) the definitions of “married couple” and “unmarried couple” shall be omitted;
- (d) in the definition of “partner”, in paragraph (a), for “a married or unmarried couple” there shall be substituted “a couple”.

(3) In regulation 18(2)(b) (excessive housing costs) after “divorce from,” there shall be inserted “dissolution of a civil partnership with,”.

(4) In Schedule 1 (calculation of N and M)—

- (a) in paragraph 9A(2)(5), for “a war widow’s pension and a war widower’s pension” there shall be substituted “a war widow’s pension, a war widower’s pension and a surviving civil partner’s war pension”;

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(1) [S.R. 1992 No. 339](#); regulation 3(2)(b) is amended by regulation 2(2) and (6)(b)(i) of [S.R. 2001 No. 16](#) from a date determined in accordance with regulation 1(1)(b) of those Regulations

(2) [S.R. 1992 No. 341](#); relevant amending Regulations are [S.R. 1993 No.164](#), [S.R. 1996 No. 317](#) and [590](#), [S.R. 1999 No. 152](#) and [S.R. 2003 No. 469](#)

(3) The definition of “couple” was inserted by regulation 5(2)(b) of [S.R. 1993 No. 164](#)

(4) The definition of “family” was substituted by regulation 4(2) of [S.R. 1996 No. 317](#) and amended by regulation 3(2)(a)(iii) of [S.R. 1996 No. 590](#)

(5) Paragraph 9A was inserted by regulation 4(5)(f) of [S.R. 1999 No. 152](#) and sub-paragraph (2) was amended by regulation 3(6) (a) of [S.R. 2003 No. 469](#)

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- (b) in paragraph 22A(2)(6), for “a war widow’s pension and a war widower’s pension” there shall be substituted “a war widow’s pension, a war widower’s pension and a surviving civil partner’s war pension”.
- (5) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M)—
  - (a) in paragraph 44—
    - (i) after “a divorce” there shall be inserted “, dissolution of a civil partnership”, and
    - (ii) in sub-paragraph (a), after “the divorce” there shall be inserted “, dissolution of the civil partnership”;
  - (b) in paragraph 47F(7), for “widows and widowers” (in each place where it occurs) there shall be substituted “widows, widowers and surviving civil partners”.
- (6) In Schedule 3 (eligible housing costs), in paragraph 7 (interpretation), in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”.

#### **Child Support (Collection and Enforcement) Regulations**

3. In regulation 8(5)(c)(ii) of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992(8) (interpretation of this Part), after “widow,” there shall be inserted “surviving civil partner,”.

#### **Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations**

4. In regulation 2(b) of the Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations (Northern Ireland) 1992(9) (periodical payments and categories of person prescribed for the purposes of Article 30 of the Order), for “or former spouse” there shall be substituted “, civil partner, former spouse or former civil partner”.

#### **Child Support (Maintenance Arrangements and Jurisdiction) Regulations**

5. In regulation 3(1) of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992(10) (relationship between maintenance assessments and certain court orders), at the end there shall be added the following sub-paragraph—

“(n) Schedule 15, 16 or 17 to the Civil Partnership Act 2004.”.

#### **Child Support Departure Direction and Consequential Amendments Regulations**

6. In regulation 16 of the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(11) (debts incurred before the absent parent became an absent parent)—

- (a) in paragraph (1), for “a married or unmarried couple” there shall be substituted “a couple”;
- (b) in paragraph (2), for sub-paragraph (e) there shall be substituted the following sub-paragraph—

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(6) Paragraph 22A was inserted by regulation 4(5)(h) of S.R. 1999 No. 152 and sub-paragraph (2) was amended by regulation 3(6) (b) of S.R. 2003 No. 469

(7) Paragraph 47F was inserted by regulation 3(7)(d) of S.R. 2003 No. 469

(8) S.R. 1992 No. 390

(9) S.R. 1992 No. 465; regulation 2(b) is amended by regulation 4(2) of S.R. 2001 No. 15 from a date determined in accordance with regulation 1(3) of those Regulations

(10) S.R. 1992 No. 466; regulation 3(1) was substituted by regulation 7(4)(a) of S.R. 1995 No. 162 and amended by regulation 7 of S.R. 1998 No. 8

(11) S.R. 1996 No. 541

- “(e) unpaid legal costs in respect of—
  - (i) separation or divorce from the non-applicant parent, or
  - (ii) separation from the non-applicant parent or the dissolution of a civil partnership that had been formed with the non-applicant parent;”;
- (c) in paragraph (5)(a), for “married or unmarried couple” there shall be substituted “couple”.

### **Child Support (Maintenance Calculations and Special Cases) Regulations**

7.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**12**) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “couple” there shall be substituted the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(b) in the definition of “war widow’s pension”(13), after “and “war widower’s pension”” there shall be inserted “and “surviving civil partner’s war pension””.

(3) In regulation 4(1) (flat rate), for sub-paragraph (f)(14) there shall be substituted the following sub-paragraph—

“(f) a war widow’s pension, war widower’s pension or surviving civil partner’s war pension;”.

### **Child Support (Variations) Regulations**

8. In regulation 12(3) of the Child Support (Variations) Regulations (Northern Ireland) 2001(**15**) (special expenses—prior debts), for sub-paragraph (e) there shall be substituted the following sub-paragraph—

- “(e) unpaid legal costs in respect of—
  - (i) separation or divorce from the person with care, or
  - (ii) separation from the person with care or the dissolution of a civil partnership that had been formed with the person with care;”.

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(12) S.R. 2001 No. 18; relevant amending Regulations are S.R. 2003 No. 469

(13) The definition of “war widow’s pension” was inserted by regulation 6(2)(g) of S.R. 2003 No. 469

(14) Sub-paragraph (f) was added by regulation 6(3)(b) of S.R. 2003 No. 469

(15) S.R. 2001 No. 20

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