

2008 No. 291 (C. 15)

FAMILY LAW

CHILD SUPPORT

**The Child Maintenance (2008 Act) (Commencement No. 1)
Order (Northern Ireland) 2008**

Made - - - -

8th July 2008

The Department for Social Development makes the following Order in exercise of the powers conferred by section 41(1) and (2) of the Child Maintenance Act (Northern Ireland) 2008(a).

Citation and interpretation

1.—(1) This Order may be cited as the Child Maintenance (2008 Act) (Commencement No. 1) Order (Northern Ireland) 2008.

(2) In this Order—

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

(3) In this Order, unless the context requires otherwise, any reference to a numbered section or Schedule, is a reference to a section of, or Schedule to, the Child Maintenance Act (Northern Ireland) 2008.

Appointed days

2.—(1) 14th July 2008 is the day appointed for the coming into operation of—

- (a) section 7(b) (repeal of Article 43(c) of the 1991 Order);
- (b) section 35 (liable relative provisions: exclusions of parental duty to maintain);
- (c) Schedule 5 (repeals), so far as it relates to repeals in—
 - (i) Articles 18(1A)(b), 19(1)(c), 22(1)(c), (2)(b) and (6), 28ZA, 28ZC and 43 of the 1991 Order, and
 - (ii) section 18 of, and paragraphs 19(a) and 21(d) of Schedule 3 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(d).

(2) Subject to paragraph (3), 14th July 2008 is the day appointed for the coming into operation of—

(a) 2008 c. 10 (N.I.)
(b) S.I. 1991/2628 (N.I. 23)
(c) Article 43 was amended by paragraph 10 of Schedule 3 to the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)), paragraph 28 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)), and section 19(4) of the Tax Credits Act 1999 c. 10. The Article is substituted by section 18 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 c. 4 (N.I.) in respect of certain cases only
(d) 2000 c. 4 (N.I.)

- (a) section 7(a) (repeal of Article 9 of the 1991 Order);
- (b) paragraph 1(29) of Schedule 4 (minor and consequential amendments); and
- (c) Schedule 5, so far as it relates to the repeals in Articles 7(10)(a) and 9(b) of the 1991 Order.

(3) Paragraph (2) does not apply in relation to existing cases as defined in paragraph (4) and, insofar as Article 9 of the 1991 Order remains in operation for such cases, it shall have effect as if the reference to Article 43 in Article 9(4) were omitted.

(4) In paragraph (3), an existing case is one in which, immediately before 14th July 2008, Article 9 of the 1991 Order applies in relation to a parent with care and—

- (a) a maintenance assessment or maintenance calculation is in operation as a result of the Department acting under that Article; or
- (b) no maintenance assessment or maintenance calculation has been made, but the Department has given notice in accordance with regulation 5 of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(c), or regulation 5 of the Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001(d).

(5) 9th July 2008 is the day appointed for the coming into operation of section 37(2) (general interpretation), section 38(2) (power to make consequential amendments) and section 40(1) to (5) (transition).

Sealed with the Official Seal of the Department for Social Development on 8th July 2008

(L.S.)

John O'Neill
A senior officer of the Department for Social Development

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- (a) Article 7(10) was inserted by Article 12(1) of the Child Support (Northern Ireland) Order 1995, and is amended by section 2(2) and (3) of, and paragraph 11 of Schedule 3 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 in respect of certain cases only
 - (b) Article 9 was amended by paragraph 4(3) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), Article 78(2) of the Social Security (Northern Ireland) Order 1998, and section 19(4) of the Tax Credits Act 1999. It is substituted by section 3 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 in respect of certain cases only
 - (c) S.R. 1992 No. 340; regulation 5 is amended by regulation 4(2) of S.R. 1993 No. 164
 - (d) S.R. 2001 No. 17; regulation 5 is amended by regulation 8(2) of S.R. 2003 No. 84

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation provisions of the Child Maintenance Act (Northern Ireland) 2008 as follows:

Section 7(b), which repeals Article 43 of the Child Support (Northern Ireland) Order 1991 (“the 1991 Order”), and associated repeals come into operation on 14th July 2008. Section 7(a), which repeals Article 9 of the 1991 Order, and associated repeals also come into operation on 14th July 2008, except for existing cases.

Section 35, which amends provisions relating to liable relatives in the Social Security Administration (Northern Ireland) Act 1992 so that they do not apply in relation to children, comes into operation on 14th July 2008.

Certain other provisions come into operation on 9th July 2008.

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Stationery Office Limited
under the authority and
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Tullo, Controller of
Her Majesty’s Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N3705. C1. 7/08. Gp. 130. 14567