
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation provisions of the [Child Maintenance Act \(Northern Ireland\) 2008 \(c. 10 \(N.I.\)\)](#) (“the Act”) as follows:

Article 2 brings into operation sections 12 and 27 of the Act on 29th September 2008 for the purpose of making regulations, and on 27th October 2008 for all other purposes. It also brings various other provisions fully into operation on 27th October 2008. These include section 7(a), which repeals Article 9 of the Child Support (Northern Ireland) Order 1991 (“the 1991 Order”), and Schedules 4 and 5, which contain consequential provisions and repeals.

Article 3 makes transitional and savings provisions in relation to the repeal of Article 9 of the 1991 Order. Existing cases (those where a maintenance calculation is in operation or an effective date has been set) are treated from 27th October 2008 as though the person with care had applied to the Department under Article 7 of the 1991 Order. Cases in which a maintenance assessment or calculation has ceased, or would have ceased had one been made, before 27th October 2008 shall not be treated as applied for under Article 7 of the 1991 Order. Article 3(4) preserves the power of the Department to recover and retain arrears of child support maintenance for periods before 27th October 2008 when the parent with care was being paid a benefit.