
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers in the Child Support (Northern Ireland) Order 1991 (“the Order”) and come into operation on 25th January 2010. They are, in part, consolidating regulations which revoke and re-enact some provisions of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992, with some changes.

Regulation 3 requires the Department to serve a notice on a non-resident parent where it is considering taking action in relation to arrears of child support maintenance due.

Regulation 4 allows the Department to attribute any payment of child support maintenance made by the non-resident parent to child support maintenance due as it thinks fit.

Regulation 5 provides that where the parent with care and the non-resident parent each owes child support maintenance to the other, the Department may set off one person’s liability against the other person’s liability.

Regulation 6 allows prescribed payments made by a non-resident parent to be set off against their liability.

Regulation 7 makes provision as to how any amount should be set off against liability.

Regulations 8 and 9 provide for the adjustment of arrears and amounts of child support maintenance payable to take account of overpayments and voluntary payments. They re-enact regulation 10 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992 (“the AIAMA Regulations”), with a change which allows the amount payable to be reduced to nil.

Regulation 10 limits the application of Part 4 of the Regulations to those cases where the Department is authorised to collect child support maintenance and the person dies on or after the date these Regulations come into operation.

Regulation 11 provides that arrears of child support maintenance owed by a deceased person immediately before death are a debt payable by the deceased’s executor or administrator out of the deceased’s estate.

Regulation 12(1) provides for the executor or administrator of the estate to have the same rights as the deceased person prior to death to institute, continue or withdraw proceedings under the Order, whether by way of appeal or otherwise.

Regulation 12(2) modifies regulation 34 of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the Decisions and Appeals Regulations”) so that the Department must appoint a deceased non-resident parent’s executor or administrator to proceed with any appeal, unless there is no such person, in which case the Department may appoint such person as it thinks fit.

Regulation 13 makes provision for the disclosure of information to the deceased’s executor or administrator where it is essential, in the Department’s opinion, for the proper administration of the estate, including the bringing, continuing or withdrawing of proceedings under the Order.

Regulation 14 and the Schedule, revokes various provisions in the AIAMA Regulations and related provisions in the Decisions and Appeals Regulations, some of which deal with the appeal of decisions to adjust the amount payable to take account of an overpayment or voluntary payment.

Status: *This is the original version (as it was originally made).*

Regulation 15 saves the relevant provisions for specified purposes where the decision to adjust the amount payable was made before these Regulations come into operation.