
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992, the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992, the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992, the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001 and the Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009.

Regulation 2 amends regulation 22 of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992 to provide an effective date for a superseding decision made in a case to which regulation 19(2)(a) or (3) of those Regulations applies, that is, where the Department for Social Development (“the Department”) is satisfied that the decision is one in respect of which there has been a material change of circumstances since the decision was made, and the material change of circumstance is any of the following, namely a qualifying child dies or ceases to be a qualifying child; a relevant child dies or ceases to be a relevant child; or a child, who is a member of the family of the absent parent, dies or ceases to be a member of the family of the absent parent.

Regulation 3 amends Schedule 1 to the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 by inserting a new paragraph 5B which provides that where the Department is calculating earnings of an employed earner or self-employed earner and the information in relation to those earnings is insufficient or unreliable the Department may estimate those earnings and may make any assumption as to any fact.

Regulation 4 amends regulation 5(1) of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992 to provide that payments of child support maintenance made through the Department shall be made to the person entitled to receive those payments by transfer of credit. Other methods of payment will only be used where it appears to the Department necessary in the circumstances of the particular case.

Regulation 5 amends the definition of “employed earner” and “self-employed earner” in regulation 1(2) of the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001 to include a person gainfully employed outside the United Kingdom in certain specified circumstances. It also amends the Schedule to make similar provision to that made by regulation 3 of these Regulations.

Regulation 6 amends the Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009 in relation to arrears notices by removing the requirement to itemise the payments of child support maintenance due and not paid and replacing this with a requirement that any arrears notice must include the amount of all outstanding arrears of child support maintenance due and not paid.

Regulation 7 makes a consequential revocation.