
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 190

The Child Support and Claims and Payments (Miscellaneous Amendments and Change to the Minimum Amount of Liability) Regulations (Northern Ireland) 2013

Citation and commencement

1.—(1) These Regulations may be cited as the Child Support and Claims and Payments (Miscellaneous Amendments and Change to the Minimum Amount of Liability) Regulations (Northern Ireland) 2013.

(2) These Regulations come into operation in relation to a case to which the new calculation rules apply on the day which paragraph 2 of Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008⁽¹⁾ (calculation by reference to gross weekly income) comes into operation for all purposes.

(3) In paragraph (2), “a case to which the new calculation rules apply” means a case in which liability to pay child support maintenance is calculated in accordance with Part 1 of Schedule 1 to the Child Support (Northern Ireland) Order 1991 (calculation of weekly amount of child support maintenance) as amended by paragraph 2 of Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008.

Amendment of the Child Support Order

2. Paragraph 5A(2) of Schedule 1 to the Child Support (Northern Ireland) Order 1991⁽²⁾ (non-resident party to other maintenance arrangement) shall have effect as if for “£5” there is substituted “£7”.

Amendment of the Social Security (Claims and Payments) Regulations

3. In paragraphs 5(2) and 6(2) of Schedule 8C to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽³⁾ (deductions from benefit in respect of child support maintenance and payment to persons with care)—

- (a) for “£5” substitute “the flat rate of maintenance”, and
- (b) after Regulations” insert “or regulation 43(3) of the Child Maintenance Calculation Regulations (Northern Ireland) 2012⁽⁴⁾.”

Amendment of the Child Support Information Regulations

4. In regulation 9A(9) of the Child Support Information Regulations (Northern Ireland) 2008⁽⁵⁾ (duty to notify increase in current income), for “£5” substitute “£7”.

(1) 2008 (c. 10 (N.I.))

(2) Part 1 of Schedule 1 is substituted by section 1(3) of and Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 5A is inserted by paragraph 5 of Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008

(3) S.R. 1987 No. 465; Schedule 8C was inserted by regulation 2(3) of S.R. 2001 No. 22

(4) S.R. 2012 No. 427

(5) S.R. 2008 No. 403; regulation 9A was inserted by regulation 8(4) of S.R. 2012 No. 438

Amendment of the Child Support (Management of Payments and Arrears) Regulations

5. In regulation 13F of the Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009(6) (circumstances in which the Department may exercise the power in Article 38E of the Order), after paragraph (a) insert—

“(aa) the person with care, has died;”.

Amendment of the Child Support Maintenance Calculation Regulations

6.—(1) The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 are amended as follows.

(2) In regulation 42 (reduced rate), for the Table substitute—

	“Number of relevant other children of the non-resident parent	T (%)
1 qualifying child of the non-resident parent	0	17.0
	1	14.1
	2	13.2
	3 or more	12.4
2 qualifying children of the non-resident parent	0	25.0
	1	21.2
	2	19.9
	3 or more	18.9
3 or more qualifying children of the non-resident parent	0	31.0
	1	26.4
	2	24.9
	3 or more	23.8”

(3) In regulation 68 (non-resident parent with unearned income)—

(a) In paragraph (5), at the end of sub-paragraph (a) omit “or” and after sub-paragraph (b) insert—

“; or

(c) the Department is unable, for whatever reason, to request or obtain the information from HMRC;”;

(b) after paragraph (7) add—

“(8) Subject to paragraph (9), where the non-resident parent makes relievable pension contributions, which have not been otherwise taken into account for the purposes of the maintenance calculation, there is to be deducted from the additional weekly income calculated in accordance with paragraph (7) an amount determined by the Department as representing the weekly average of those contributions.

(9) An amount must only be deducted in accordance with paragraph (8) where the relievable pension contributions referred to in that paragraph relate to the same tax year that has been used for the purposes of determining the additional weekly income.”.

(4) In regulation 69(1)(c) (non-resident parent on a flat rate or nil rate with gross weekly income), omit “equal to or”.

(5) In regulation 73 (effect on maintenance calculation – general), after paragraph (1) insert—

“(1A) Where the application of a variation agreed to (or of the aggregate of variations agreed to) would decrease the amount of child support maintenance payable by the non-resident parent to less than the figure equivalent to the flat rate referred to in paragraph 4(1) of Schedule 1 (or in that sub-paragraph as modified by regulations under paragraph 10A of that Schedule), the non-resident parent is instead liable to pay child support maintenance at a rate equivalent to that flat rate apportioned if appropriate as provided in paragraph 6 of Schedule 1.”.

Sealed with the Official Seal of the Department for Social Development on 10th July 2013

(L.S.)

Anne McCleary
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Development