
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 221

**The Child Support (Miscellaneous Amendments
No. 3) Regulations (Northern Ireland) 2019**

PART 4

**AMENDMENTS RELATING TO WRITE OFF OF
ARREARS OF CHILD SUPPORT MAINTENANCE**

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

4.—(1) The Child Support (Management of Payments and Arrears) Regulations (Northern Ireland) 2009⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “old scheme case” insert—

““a 2003 scheme case” means a case in respect of which the provisions of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 have been brought into operation in accordance with Article 3 of the Child Support, Pensions and Social Security (2000 Act) (Commencement No. 9) Order (Northern Ireland) 2003⁽²⁾;

“a 2012 scheme case” means a case in respect of which the provisions of the Child Maintenance (Northern Ireland) Act 2008 have been brought into operation in accordance with Article 2 of the Child Maintenance (2008 Act) (Commencement No. 10 and Transitional Provisions) Order (Northern Ireland) 2012⁽³⁾, Article 2 of the Child Maintenance (2008 Act) (Commencement No. 11 and Transitional Provisions) Order (Northern Ireland) 2013⁽⁴⁾ or Article 2 of the Child Maintenance (2008 Act) (Commencement No. 12 and Savings Provisions) Order (Northern Ireland) 2013⁽⁵⁾”;

(b) after the definition of “the AIAMA Regulations” insert—

““Child Maintenance Service system” means the computer system used by the Child Maintenance Service which administers a 2012 scheme case or arrears from an old scheme case or 2003 scheme case;

“Child Support Agency system” means the computer system used by the Child Maintenance Service which administers an old scheme case or 2003 scheme case”.

(3) In regulation 13F (circumstances in which the Department may exercise the power in Article 38E of the Order)—

(1) S.R. 2009 No. 422
(2) S.R. 2003 No. 53 (c. 4)
(3) S.R. 2012 No. 440 (c. 45)
(4) S.R. 2013 No. 201 (c. 13)
(5) S.R. 2013 No. 276 (c. 18)

- (a) after paragraph (c) omit “or”;
- (b) after paragraph (d) insert—
 - “.
 - ”
 - (e) the arrears relate to liability for child support maintenance accrued under an old or 2003 scheme case and the non-resident parent has failed to make any payments of child support maintenance within the 3 month period which precedes the date of the written notice sent by the Department under regulation 13G(1), or, where the arrears fall within regulations 13J(1)(a), (b) or (d), within the 3 month period which precedes the date of the decision of the Department under section 38E(1) of the Order;
 - (f) the arrears relate to liability for child support maintenance accrued under an old or 2003 scheme case which has transferred from the Child Support Agency system to the Child Maintenance Service system and the non-resident parent has failed to make any payments of child support maintenance within the 3 month period which precedes the date of the written notice sent by the Department under regulation 13G(1), or, where the arrears fall within regulations 13J(2)(a) or (b), within the 3 month period which precedes the date of the decision of the Department under section 38E(1) of the Order; or
 - (g) the arrears relate to sequestrated debt in Scotland for an old, 2003 or 2012 scheme case once the trustee administering the sequestration has confirmed that the period of sequestration has ended.”
- (4) In regulation 13G (Department required to give notice)—
 - (a) after paragraph (1) insert—
 - “(1A) Where the arrears fall within regulation 13(J)(1)(c) or (e) or (2)(c) the requirement under paragraph (1) to send written notice to the non-resident parent only applies where the Department receives written representations within the period of 60 days beginning with the date the notice is received by the person with care.”;
 - (b) in paragraph (2) after “died” insert “or the arrears fall within regulations 13F(g), 13J(1)(a), 13J(1)(b), 13J(1)(d), 13J(2)(a) or 13J(2)(b)”;
 - (c) in paragraph (3)(b)—
 - (i) after “arrears” where it first appears insert “except where the arrears fall within regulation 13J(1)(c)”;
 - (ii) after “relate” insert “except where the arrears fall within regulation 13J(1)(c) or (e) or (2)(c)”;
 - (d) at the beginning of paragraph (3)(d) insert “subject to paragraph 3(da)” and at the end of paragraph (3)(d) omit “and”;
 - (e) after paragraph (3)(d) insert—
 - “(da) where the arrears fall within regulation 13J(1)(c) or (e) or (2)(c)—
 - (i) advise the person with care that they may make written representations as to whether the liability in respect of the arrears should be extinguished, and that any such representations must be sent by post to the Department within the period of 60 days beginning with the date the notice is received;
 - (ii) where a notice is sent to the non-resident parent in accordance with paragraph (1A), advise the non-resident parent that they may make written representations which must be sent by post to the Department within the period of 21 days beginning with the date the notice is received; and”;

- (f) in paragraph (4), for “If” substitute “Subject to paragraph (4A), if”;
- (g) after paragraph (4) insert—

“(4A) Where any of the conditions of write off mentioned in regulation 13J(1)(c) or (e) or (2)(c) apply, if no written representations are received by the Department within the period of 60 days beginning with the date the notice is received by the person with care, the Department may make the decision to extinguish the arrears.”.

(5) In regulation 13H (Department to take account of the parties’ views), after “13G(3)(d)” insert “or within the 60 day period referred to in regulation 13G(3)(da)(i) or within the 21 day period referred to in regulation 13G(3)(da)(ii)”.

(6) In regulation 13I(2) (Notification of decision to write off), after “died” insert “or where the arrears fall within regulation 13J(1)(a) or (2)(a) or where the arrears fall within regulation 13J(1)(c) or (e) or (2)(c) and the Department has not received written representations by post from the person with care within the 60 day period referred to in regulation 13G(3)(da).”.

- (7) After regulation 13I (notification of decision to write off) insert—

“Conditions of write off

13J.—(1) The arrears mentioned above are—

- (a) the arrears are less than £65;
- (b) the effective date of the maintenance assessment or maintenance calculation was on or before 1st November 2008 and the arrears are £1,000 or less;
- (c) the effective date of the maintenance assessment or maintenance calculation was on or before 1st November 2008 and the arrears are over £1,000;
- (d) the effective date of the maintenance calculation was after 1st November 2008 and the arrears are £500 or less; or
- (e) the effective date of the maintenance calculation was after 1st November 2008 and the arrears are over £500.

(2) The arrears mentioned above are—

- (a) the arrears are less than £65; or
- (b) the arrears are £500 or less; or
- (c) the arrears are over £500.”.