
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 189

**The Child Support (Management of Payments and Arrears)
(Amendment) Regulations (Northern Ireland) 2023**

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

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

(2) In regulation 13F⁽²⁾ (circumstances in which the Department may exercise the power in Article 38E of the Order)—

- (a) omit the “or” after paragraph (g);
- (b) at the end of paragraph (h) insert—

“;

- (i) the arrears relate to liability for child support maintenance accrued under a 2012 scheme case⁽³⁾ where all of the following apply—
 - (i) a maintenance calculation⁽⁴⁾ has ceased to have effect under one or more of the following provisions under the 1991 Order—
 - (aa) Article 7(5) and (6) (a person who requested a maintenance calculation requests the Department to cease acting);
 - (bb) Schedule 1, paragraph 16(1)⁽⁵⁾ (termination of calculations),
 - (ii) the arrears are less than £7, and
 - (iii) the non-resident parent⁽⁶⁾ has failed to make any payments within the 3 month period which precedes the date of the decision of the Department under Article 38E(1)⁽⁷⁾ of the 1991 Order (power to write off arrears); or
- (j) the arrears relate to liability for child maintenance accrued under a 2012 scheme case where all of the following apply—

(1) [S.R. 2009 No. 422](#)

(2) Regulation 13F was inserted by regulation 2 of [S.R. 2012 No. 439](#); other relevant amending instruments are [S.R. 2018 No. 210](#), [S.R. 2019 Nos. 125 and 221](#) and [S.R. 2022 No. 178](#)

(3) “a 2012 scheme case” is defined in regulation 2(1) of [S.R. 2009 No. 422](#) and was inserted by regulation 4(2) of [S.R. 2019 No. 221](#)

(4) “maintenance calculation” is defined in Article 2 of the Child Support (Northern Ireland) Order 1991 ([S.I. 1991/2628 \(N.I. 23\)](#)) and was inserted by paragraph 12(e) of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 ([c.4 \(N.I.\)](#)) and applies differently to cases specified in Article 3 of [S.R. 2003 No. 53 \(c.4\)](#)

(5) Paragraph 16(1) of Schedule 1 to the Child Support (Northern Ireland) Order 1991 ([S.I. 1991/2628 \(N.I. 23\)](#)) applies differently to cases specified in Article 3 of [S.R. 2003 No. 53](#). In relation to those cases, paragraph 16(1) was amended by section 1(2) and paragraph 11 of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 ([c.4](#))

(6) “non-resident parent” is defined in Article 4(2) of the Child Support (Northern Ireland) Order 1991 ([S.I. 1991/2628 \(N.I. 23\)](#)) as amended by paragraph 179 of Schedule 9 to the Children (Northern Ireland) Order 1995 ([S.I. 1995/755 \(N.I. 2\)](#)) and section 1(2)(a) and paragraph 11 of Schedule 3 to the Child Support, Pensions and Social Security Act (NI) 2000 ([c.4](#))

(7) Article 38E of the Child Support (Northern Ireland) Order 1991 ([S.I. 1991/2628 \(N.I. 23\)](#)) was inserted by section 24 of the Child Maintenance Act (Northern Ireland) 2008 ([c.10 \(N.I.\)](#))

- (i) the Department does not have jurisdiction to make a maintenance calculation under Article 41(8) of the 1991 Order,
- (ii) as a result of sub-paragraph (i), the Department has made a supersession decision under Article 19(1)(9) of the 1991 Order,
- (iii) the arrears are less than £7, and
- (iv) the non-resident parent has failed to make any payments within the 3 month period which precedes the date of the decision of the Department under Article 38E(1) of the 1991 Order (power to write off arrears). ”.

(3) In regulation 13G (Department required to give notice), in paragraph (2), after “13F(h),” insert “13F(i), 13F(j),”.

(4) In regulation 13I (notification of decision to write off), in paragraph (2), for “regulation 13J(1) (a) or (2)(a)” substitute “regulations 13F(i) or (j) or 13J(1)(a) or (2)(a)”.

Commencement Information

II Reg. 2 in operation at 26.2.2024, see [reg. 1](#)

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- (8) Article 41 was amended by paragraph 26 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)), sections 1(2)(a), 21(2) and (3), paragraph 11 of Schedule 3 and paragraph 1 of Schedule 9 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c.4), paragraph 128 of Schedule 1 to the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), paragraph 20(a) and (b) of Schedule 1 to the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519) and paragraph 22 of Schedule 7 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484)
 - (9) Article 19(1) was inserted by Article 41 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by section 9(2) and paragraph 1 of Schedule 9 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c.4) and by section 9 of the Child Maintenance Act (Northern Ireland) 2008 subject to transitional provisions specified in S.R. 2012 No. 440 and S.R. 2013 No. 210 and savings specified in SR 2013 No. 276 and by paragraph 1 of Schedule 5 to the Child Maintenance Act (Northern Ireland) 2008 (c.10) (N.I.)

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Management of Payments and Arrears) (Amendment) Regulations (Northern Ireland) 2023, Section 2.