
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 201

The Child Maintenance (2008 Act) (Commencement No. 11 and Transitional Provisions) Order (Northern Ireland) 2013

Cases to which the new calculation rules apply

3.—(1) The types of cases falling within this Article, for the purposes of Article 2(1), are those cases satisfying any of paragraphs (2) to (4).

(2) A case satisfies this paragraph where—

- (a) an application under Article 7 of the Child Support Order⁽¹⁾ (child support maintenance) is made to the Department on or after 29th July 2013;
- (b) that application is made in respect of two or three qualifying children with the same person with care and the same non-resident parent; and
- (c) subject to paragraph (5), there is no existing case which has both the same person with care and the same non-resident parent referred to in sub-paragraph (b).

(3) A case satisfies this paragraph where it is an existing case and—

- (a) the non-resident parent, in a case falling within paragraph (2), is also the non-resident parent or absent parent in relation to the existing case; and
- (b) the person with care in relation to the existing case is not the person with care in relation to the case falling within paragraph (2).

(4) A case satisfies this paragraph where it is an existing case and—

- (a) the non-resident parent or absent parent (“A”) is a partner of a non-resident parent in a case falling within paragraph (2) (“B”); and
- (b) A or B is in receipt of a prescribed benefit.

(5) Where—

- (a) the applicant in relation to an existing case makes a request to the Department under Article 7(5) of the Child Support Order to cease acting; and
- (b) a further application is made under Article 7 of the Child Support Order in relation to the same qualifying child, person with care and non-resident parent on or after 29th July 2013, but before the expiry of 13 weeks from the date of cessation of action by the Department,

the case is to be treated as an existing case (and so is not a case that satisfies paragraph (2)).

(6) For the purposes of paragraphs (2)(a) and (5)(b), the date an application is made is—

- (a) where made by telephone, the date it is made; and
- (b) where made by post, the date of receipt by the Department.

(7) For the purposes of paragraph (4)—

(1) Article 7 was amended by Article 12(1) of the Child Support (Northern Ireland) Order 1995 (S.I. 1995 No. 2702 (N.I. 13)), Schedule 7 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998 No. 1506 (N.I. 10)), and is amended by sections 1(2) and 2 of, and paragraphs 11 and 13 of Schedule 3 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and was amended by Schedule 5 to the Child Maintenance Act (Northern Ireland) 2008

Changes to legislation: *There are currently no known outstanding effects for the The Child Maintenance (2008 Act) (Commencement No. 11 and Transitional Provisions) Order (Northern Ireland) 2013, Section 3. (See end of Document for details)*

“partner” has the meaning given in paragraph 10C(4) of Schedule 1 to the Child Support Order (as substituted by Schedule 1 to the 2000 Act);

“prescribed benefit” means a benefit prescribed, or treated as prescribed, for the purposes of paragraph 4(1)(c) of Schedule 1 to the Child Support Order (as substituted by Schedule 1 to the 2000 Act).

- (8) For the purposes of paragraph (5)(b), the date of cessation of action by the Department is—
- (a) where there is a maintenance assessment or maintenance calculation in force, the date on which the liability under that assessment or calculation ends as a result of the request to cease acting; and
 - (b) where there is an application still to be determined, the date notified to the person with care as the date on which the Department has ceased acting.

Modifications etc. (not altering text)

- C1** Art. 3(1) modified (30.6.2014) by [The Child Maintenance \(2008 Act\) \(Commencement No. 14 and Transitional Provisions\) Order \(Northern Ireland\) 2014 \(S.R. 2014/194\)](#), **art. 5(a)**
- C2** Art. 3(3)(4) excluded (30.6.2014) by [The Child Maintenance \(2008 Act\) \(Commencement No. 14 and Transitional Provisions\) Order \(Northern Ireland\) 2014 \(S.R. 2014/194\)](#), **art. 5(b)**
- C3** Art. 3(7) excluded (30.6.2014) by [The Child Maintenance \(2008 Act\) \(Commencement No. 14 and Transitional Provisions\) Order \(Northern Ireland\) 2014 \(S.R. 2014/194\)](#), **art. 5(b)**

Commencement Information

- I1** Art. 3 in operation at made date

Changes to legislation:

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