

These notes refer to the Child Maintenance Act (Northern Ireland) 2008 (c.10) which received Royal Assent on 2 July 2008

Child Maintenance Act (Northern Ireland) 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Child Support etc.

Collection and enforcement

Section 17: Administrative liability orders

This section inserts *Articles 32M* and *32N* into the Child Support (Northern Ireland) Order 1991. This introduces a new liability order which will be made administratively by the Department. The order will effectively certify the amount owed by the non-resident parent, and will be the first step to enforcement action through the Enforcement of Judgments Office. There will no longer be a need to apply to the courts for a liability order.

Article 32M enables the Department to make an administrative liability order against a non-resident parent if they have failed to pay an amount of child support maintenance due.

Paragraph (2) of *Article 32M* allows an administrative liability order to be made in respect of an amount of maintenance arrears where there is an ongoing appeal against the maintenance calculation. The administrative liability order can only be made in such circumstances if the Department concludes that the appeal outcome will not affect the amount of arrears stated in the order, or if it will, it still considers that making the order is fair in all the circumstances.

Paragraph (3) prevents the order from coming into force until the end of the period during which an appeal can be made, and if an appeal is made, until the appeal proceedings have been concluded and any period during which a further appeal may ordinarily be brought has ended.

Paragraph (4) provides for the avoidance of doubt, that where regulations have been made under Article 29(3)(a) of the Child Support (Northern Ireland) Order 1991, the person liable to pay child support maintenance (the non-resident parent) is taken to have failed to pay if they have not paid it to, or through the person specified in, or by virtue of, the regulations for their case.

Article 32N provides regulation-making powers to the Department with respect to the practical process regarding administrative liability orders.

Paragraph (2)(a) of Article 32N – the regulations may make provision about the form and content of an administrative liability order.

Paragraph (2)(b) – the regulations may prevent the liability order coming into force if, before it does, the non-resident parent pays in full the arrears covered by the order.

Paragraph (2)(c) and (d) – the regulations may provide for the order to be discharged or revived. The regulations may provide, for example, that an order may be discharged if the non-resident parent pays off all of the arrears.