

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.

Debt management powers

Section 23: Power to accept part payment of arrears in full and final satisfaction

This section inserts new *Article 38D* into the Child Support (Northern Ireland) Order 1991 which enables the Department to accept partial payments of maintenance arrears from a non-resident parent, as full and final settlement of the whole arrears.

Paragraph (2) provides regulation-making power to the Department with regard to it exercising its power to accept part payment in satisfaction of the liability.

Paragraph (3) provides that the Department may not accept partial payments without the consent of the parent with care unless certain conditions are satisfied.

Paragraph (4) sets out the conditions required under paragraph (3). These are that the Department would be entitled to recover the whole of the arrears due under Article 38(2) if it recovered them, and where the Department is not entitled to part of the arrears, that part of the arrears is equal to or less than the payment which it has accepted under paragraph (1).