



2008 CHAPTER 10

PART 2

CHILD SUPPORT ETC.

Collection and enforcement

Use of deduction from earnings orders as basic method of payment

12 In Article 29 of the Child Support Order (under which payments of child support maintenance are to be made in accordance with regulations) at the end add—

“(4) If the regulations include provision for payment by means of deduction in accordance with an order under Article 31, they must make provision—

- (a) for that method of payment not to be used in any case where there is good reason not to use it; and
- (b) for the person against whom the order under Article 31 would be made to have a right of appeal to a court of summary jurisdiction against a decision that the exclusion required by sub-paragraph (a) does not apply.

(5) On an appeal under regulations made under paragraph (4)(b) the court shall not question the maintenance calculation by reference to which the order under Article 31 would be made.

(6) Regulations under paragraph (4)(b) may include—

- (a) provision with respect to the period within which a right of appeal under the regulations may be exercised;

Changes to legislation: *Child Maintenance Act (Northern Ireland) 2008, Section 12 is up to date with all changes known to be in force on or before 26 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) provision with respect to the powers of a court of summary jurisdiction in relation to an appeal under the regulations.

(7) If the regulations include provision for payment by means of deduction in accordance with an order under Article 31, they may make provision

(a) prescribing matters which are, or are not, to be taken into account in determining whether there is good reason not to use that method of payment;

(b) prescribing circumstances in which good reason not to use that method of payment is, or is not, to be regarded as existing.”.

Commencement Information

- II** [S. 12](#) wholly in operation at 27.10.2008; [s. 12](#) not in operation at Royal Assent see [s. 41\(1\)](#); [s. 12](#) in operation for certain purposes at 29.9.2008 and in operation at 27.10.2008 in so far as not already in operation by [S.R. 2008/399](#), [art. 2\(1\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SR 2012/440 art. 3 by [S.R. 2014/194 art. 4](#)
- specified provision(s) amendment to earlier commencing SR 2013/201 art. 3 by [S.R. 2014/194 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(3) inserted by [S.I. 2015/2006 \(N.I.\) art. 126\(2\)](#)