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STATUTORY INSTRUMENTS

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**1991 No. 2628**

**The Child Support(Northern Ireland) Order 1991**

*Special cases*

**Special cases**

**39.**—(1) The Department may by regulations provide that in prescribed circumstances a case is to be treated as a special case for the purposes of this Order.

- (2) Those regulations may, for example, provide for the following to be special cases—
- (a) each parent of a child is an absent parent in relation to the child;
  - (b) there is more than one person who is a person with care in relation to the same child;
  - (c) there is more than one qualifying child in relation to the same absent parent but the person who is the person with care in relation to one of those children is not the person who is the person with care in relation to all of them;
  - (d) a person is an absent parent in relation to more than one child and the other parent of each of those children is not the same person;
  - (e) the person with care has care of more than one qualifying child and there is more than one absent parent in relation to those children;
  - (f) a qualifying child has his home in two or more separate households.
- (3) The Department may by regulations make provision with respect to special cases.
- (4) Regulations made under paragraph (3) may, in particular—
- (a) modify any provision made by or under this Order, in its application to any special case or any special case falling within a prescribed category;
  - (b) make new provision for any such case; or
  - (c) provide for any prescribed provision made by or under this Order not to apply to any such case.

**Contribution to maintenance by deduction from benefit**

- 40.**—(1) This Article applies where—
- (a) by virtue of paragraph 5(4) of Schedule 1, an absent parent is taken for the purposes of that Schedule to have no assessable income; and
  - (b) such conditions as may be prescribed for the purposes of this Article are satisfied.
- (2) The power of the Department to make regulations under Article 52 of the Social Security (Northern Ireland) Order 1986(1) by virtue of paragraph (1)(q) (deductions from benefits) may be exercised in relation to cases to which this Article applies with a view to securing that—
- (a) payments of prescribed amounts are made with respect to qualifying children in place of payments of child support maintenance; and

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(b) arrears of child support maintenance are recovered.