
STATUTORY INSTRUMENTS

1991 No. 2628

The Child Support (Northern Ireland) Order 1991

Reviews and appeals

[^{F1}Revision of decisions

18.—(1) Any decision [^{F2}of the Department under Article 13, 14 or 19] [^{F3}to which paragraph (1A) applies] may be revised by the Department—

- (a) either within the prescribed period or in prescribed cases or circumstances; and
 - (b) either on an application made for the purpose or on the Department's own initiative,
- and regulations may prescribe the procedure by which a decision of the Department may be so revised.

[
^{F4}(1A) This paragraph applies to—

- (a) a decision of the Department under Article 13, 14 or 19;
- (b) a reduced benefit decision under Article 43;
- (c) a decision of an appeal tribunal on a referral under Article 28D(1)(b).

(1B) Where the Department revises a decision under Article 14(1)—

- (a) it may (if appropriate) do so as if it were revising a decision under Article 13; and
- (b) if it does that, its decision, as revised, shall be treated as a decision under Article 13 instead of Article 14(1) (and, in particular, shall be so treated for the purposes of an appeal against it under Article 22).]

(2) In making a decision under paragraph (1), the Department need not consider any issue that is not raised by the application or, as the case may be, did not cause the Department to act on its own initiative.

(3) Subject to paragraphs (4) and (5) and Article 28ZC, a revision under this Article shall take effect as from the date on which the original decision took (or was to take) effect.

(4) Regulations may provide that, in prescribed cases or circumstances, a revision under this Article shall take effect as from such other date as may be prescribed.

(5) Where a decision is revised under this Article, for the purpose of any rule as to the time allowed for bringing an appeal, the decision shall be regarded as made on the date on which it is so revised.

(6) Except in prescribed circumstances, an appeal against a decision of the Department shall lapse if the decision is revised under this Article before the appeal is determined.]

F1 Art. 18 substituted by S.I. 1998/1506 (N.I. 10), art. 40; S.R. 1998/395, art. 2 (subject to saving in art. 3(3)); and by 2000 c. 4, s. 23 it is provided that the said art. 3(3) is revoked and that "accordingly Article 18 shall cease to have effect for all purposes"

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Child Support (Northern Ireland) Order 1991*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F2** Words in art. 18(1) substituted (3.3.2003 for certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 8\(2\), 68\(2\)](#); S.R. 2003/53, art. 3(1), **Sch.**
- F3** Words in art. 18(1) substituted (3.3.2003 for certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 8\(2\), 68\(2\)](#); S.R. 2003/53, art. 3(1), **Sch.**
- F4** Art. 18(1A)(1B) inserted (3.3.2003 for certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 8\(3\), 68\(2\)](#); S.R. 2003/53, art. 3(1), **Sch.**

[^{F5}Decisions superseding earlier decisions

19.—(1) Subject to paragraph (2), the following, namely—

- (a) any decision of the Department under Article 13 or 14 or this Article, whether as originally made or as revised under Article 18;
- (b) any decision of an appeal tribunal under Article 22; [^{F6} and]
- ^{F7}(c) any decision of a Child Support Commissioner on an appeal from such a decision as is mentioned in sub-paragraph (b),]
- [^{F8}(c) any reduced benefit decision under Article 43;
- (d) any decision of an appeal tribunal on a referral under Article 28D(1)(b); and
- (e) any decision of a Child Support Commissioner on an appeal from such a decision as is mentioned in sub-paragraph (b) or (d).]

may be superseded by a decision made by the Department, either on an application made for the purpose or on the Department's own initiative.

(2) In making a decision under paragraph (1), the Department need not consider any issue that is not raised by the application or, as the case may be, did not cause the Department to act on its own initiative.

(3) Regulations may prescribe the cases and circumstances in which, and the procedure by which, a decision may be made under this Article.

^{F9}(4) Subject to paragraph (5) and Article 28ZC, a decision under this Article shall take effect as from the date on which it is made or, where applicable, the date on which the application was made.]

[^{F10}(4) Subject to paragraph (5) and Article 28ZC, a decision under this Article shall take effect as from the beginning of the maintenance period in which it is made or, where applicable, the beginning of the maintenance period in which the application was made.

(4A) In paragraph (4), a maintenance period is (except where a different meaning is prescribed for prescribed cases) a period of seven days, the first one beginning on and including the effective date of the first decision made by the Department under Article 13 or (if earlier) the Department's first default or interim maintenance decision (under Article 14) in relation to the non-resident parent in question, and each subsequent one beginning on and including the day after the last day of the previous one.]

(5) Regulations may provide that, in prescribed cases or circumstances, a decision under this Article shall take effect as from such other date as may be prescribed.]

F5 [1998 NI 10](#)

F6 Word after art. 19(1)(b) repealed (3.3.2003 for certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 67, 68\(2\), Sch. 9 Pt. I](#); S.R. 2003/53, art. 3(1), **Sch.**

- F7** Art. 19(1)(c)-(e) substituted for art. 19(1)(c) (22.11.2000 for certain purposes and 3.3.2003 for further certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 9(2), 68(2); S.R. 2000/358, art. 2(b), **Sch. Pt. II**; S.R. 2003/53, art. 3(1), **Sch.**
- F8** Art. 19(1)(c)-(e) substituted for art. 19(1)(c) (22.11.2000 for certain purposes and 3.3.2003 for further certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 9(2), 68(2); S.R. 2000/358, art. 2(b), **Sch. Pt. II**; S.R. 2003/53, art. 3(1), **Sch.**
- F9** Art. 19(4)(4A) substituted for art. 19(4) (22.11.2000 for certain purposes and 3.3.2003 for further certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 9(3), 68(2); S.R. 2000/358, art. 2(b), **Sch. Pt. II**; S.R. 2003/53, art. 3(1), **Sch.**
- F10** Art. 19(4)(4A) substituted for art. 19(4) (22.11.2000 for certain purposes and 3.3.2003 for further certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 9(3), 68(2); S.R. 2000/358, art. 2(b), **Sch. Pt. II**; S.R. 2003/53, art. 3(1), **Sch.**

^{F11}^{F12} Appeals to appeal tribunals

- 22.—(1) A qualifying person has a right of appeal to an appeal tribunal against—
- (a) a decision of the Department under Article 13, 14 or 19 (whether as originally made or as revised under Article 18);
 - (b) a decision of the Department not to make a maintenance calculation under Article 13 or not to supersede a decision under Article 19;
 - (c) a reduced benefit decision under Article 43;
 - (d) the imposition (by virtue of Article 38A) of a requirement to make penalty payments, or their amount;
 - (e) the imposition (by virtue of Article 44) of a requirement to pay fees.
- (2) In paragraph (1), qualifying person means—
- (a) in relation to sub-paragraphs (a) and (b), the person with care, or non-resident parent, with respect to whom the Department made the decision;
 - (b) in relation to sub-paragraph (c), the person in respect of whom the benefits are payable;
 - (c) in relation to sub-paragraph (d), the parent who has been required to make penalty payments; and
 - (d) in relation to sub-paragraph (e), the person required to pay fees.
- (3) A person with a right of appeal under this Article shall be given such notice as may be prescribed of—
- (a) that right; and
 - (b) the relevant decision, or the imposition of the requirement.
- (4) Regulations may make—
- (a) provision as to the manner in which, and the time within which, appeals are to be brought; and
 - (b) such provision with respect to proceedings before appeal tribunals as the Department considers appropriate.
- (5) The regulations may in particular make any provision of a kind mentioned in Schedule 4 to the Social Security (Northern Ireland) Order 1998.
- (6) No appeal lies by virtue of paragraph (1)(c) unless the amount of the person's benefit is reduced in accordance with the reduced benefit decision; and the time within which such an appeal may be brought runs from the date of notification of the reduction.
- (7) In deciding an appeal under this Article, an appeal tribunal—

- (a) need not consider any issue that is not raised by the appeal; and
 - (b) shall not take into account any circumstances not obtaining at the time when the Department made the decision or imposed the requirement.
- (8) If an appeal under this Article is allowed, the appeal tribunal may—
- (a) itself make such decision as it considers appropriate; or
 - (b) remit the case to the Department, together with such directions (if any) as it considers appropriate.]]

F11 1998 NI 10

F12 Art. 22 substituted (22.11.2000 for certain purposes and 3.3.2003 for further certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\)](#), [ss. 10, 68\(2\)](#); S.R. 2000/358, art. 2(b), [Sch. Pt. II](#); S.R. 2003/53, art. 3(1), [Sch.](#)

^{F11F40} Appeals to appeal tribunals **N.I.**

22.—(1) Where an application for a [^{F41}maintenance assessment] [^{F42}maintenance calculation] is refused, the person who made that application shall have a right of appeal to an appeal tribunal against the refusal.

(2) Where a [^{F43}maintenance assessment] [^{F44}maintenance calculation] is in force, the [^{F45}absent parent] [^{F46}non-resident parent] or person with care with respect to whom it was made shall have a right of appeal to an appeal tribunal against the amount of the [^{F47}assessment] [^{F48}calculation] or the date from which the [^{F49}assessment] [^{F50}calculation] takes effect.

(3) Where a [^{F51}maintenance assessment] [^{F52}maintenance calculation] is cancelled, or an application for the cancellation of a [^{F53}maintenance assessment] [^{F54}maintenance calculation] is refused, the [^{F55}absent parent] [^{F56}non-resident parent] or person with care with respect to whom the [^{F57}maintenance assessment] [^{F58}maintenance calculation] in question was, or remains, in force, shall have a right of appeal to an appeal tribunal against the cancellation or refusal.

(4) A person with a right of appeal under this Article shall be given such notice of that right and, in the case of a right conferred by paragraph (1) or (3), such notice of the decision as may be prescribed.

(5) Regulations may make—

- (a) provision as to the manner in which, and the time within which, appeals are to be brought; and
- (b) such provision with respect to proceedings before appeal tribunals as the Department considers appropriate.

(6) The regulations may in particular make any provision of a kind mentioned in Schedule 4 to the Social Security (Northern Ireland) Order 1998.

(7) In deciding an appeal under this Article, an appeal tribunal—

- (a) need not consider any issue that is not raised by the appeal; and
- (b) shall not take into account any circumstances not obtaining at the time when the decision or [^{F59}assessment] [^{F60}calculation] appealed against was made.]

F11 1998 NI 10

F40 Art. 22 substituted (22.11.2000 for certain purposes and 3.3.2003 for further certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\)](#), [ss. 10, 68\(2\)](#); S.R. 2000/358, art. 2(b), [Sch. Pt. II](#); S.R. 2003/53, art. 3(1), [Sch.](#)

- F41** Words in art. 22(1) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F42** Words in art. 22(1) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F43** Words in art. 22(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F44** Words in art. 22(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F45** Words in art. 22(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2), **Sch. 3 para. 11**; S.R. 2003/53, art. 3(1), **Sch.**
- F46** Words in art. 22(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2), **Sch. 3 para. 11**; S.R. 2003/53, art. 3(1), **Sch.**
- F47** Word in art. 22(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F48** Word in art. 22(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F49** Word in art. 22(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F50** Word in art. 22(2) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(b)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F51** Words in art. 22(3) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F52** Words in art. 22(3) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F53** Words in art. 22(3) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F54** Words in art. 22(3) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**
- F55** Words in art. 22(3) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2), **Sch. 3 para. 11**; S.R. 2003/53, art. 3(1), **Sch.**
- F56** Words in art. 22(3) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2), **Sch. 3 para. 11**; S.R. 2003/53, art. 3(1), **Sch.**
- F57** Words in art. 22(3) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 1(2)(a)**, 68(2); S.R. 2003/53, art. 3(1), **Sch.**

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- F58** Words in art. 22(3) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F59** Word in art. 22(7)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(b), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F60** Word in art. 22(7)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(b), 68(2); S.R. 2003/53, art. 3(1), Sch.

Matters concerning Child Support Commissioners

24. Schedule 4 shall have effect with respect to certain matters concerning Child Support Commissioners.

[^{F13}Redetermination of appeals

24A.—(1) This Article applies where an application is made to a person under Article 25(6)(a) for leave to appeal from a decision of an appeal tribunal.

(2) If the person who constituted, or was the chairman of, the appeal tribunal considers that the decision was erroneous in point of law, he may set aside the decision and refer the case either for redetermination by the tribunal or for determination by a differently constituted tribunal.

(3) If each of the principal parties to the case expresses the view that the decision was erroneous in point of law, the person shall set aside the decision and refer the case for determination by a differently constituted tribunal.

(4) The “principal parties” are—

- (a) the Department; and
- (b) those who are qualifying persons for the purposes of Article 22(2) in relation to the decision in question.]

F13 2000 c. 4 (NI)

Appeal to Child Support Commissioner

25.—(1) Any person who is aggrieved by a decision of [^{F14} an appeal tribunal, and the Department], may appeal to a Child Support Commissioner on a question of law.

Para. (1A) rep. by 1998 NI 10

(2) Where, on an appeal under this Article, a Child Support Commissioner holds that the decision appealed against was wrong in law he shall set it aside.

(3) Where a decision is set aside under paragraph (2), the Child Support Commissioner may—

- (a) if he can do so without making fresh or further findings of fact, give the decision which he considers should have been given by [^{F14} the appeal tribunal];
- (b) if he considers it expedient, make such findings and give such decision as he considers appropriate in the light of those findings; or
- [^{F15}(c) on an appeal by the Department, refer the case to [^{F14} an appeal tribunal] with directions for its determination; or

(d) on any other appeal, refer the case to^{F14} the Department] or, if he considers it appropriate, to^{F14} an appeal tribunal] with directions for its determination.]

^{F14}(4) The reference under paragraph (3) to the Department shall, subject to any direction of the Child Support Commissioner, be to an officer of the Department, or to a person providing it with services, who has taken no part in the decision originally appealed against.]

(5) On a reference under paragraph (3) to^{F14} an appeal tribunal], the tribunal shall, subject to any direction of the Child Support Commissioner, consist of persons who were not members of the tribunal which gave the decision which has been appealed against.

(6) No appeal lies under this Article without the leave—

(a) of the person^{F14} who constituted, or was the chairman, of the appeal tribunal] when the decision appealed against was given or of^{F14} such other person] as may be determined in accordance with regulations made by the Lord Chancellor; or

(b) subject to and in accordance with regulations so made, of a Child Support Commissioner.

(7) The Lord Chancellor may by regulations make provision as to the manner in which and the time within which appeals under this Article are to be brought and applications for leave under this Article are to be made.

(8) Where a question which would otherwise fall to be determined by^{F14} the Department] first arises in the course of an appeal to a Child Support Commissioner, he may, if he thinks fit, determine it even though it has not been considered by^{F14} the Department].

F14 1998 NI 10

F15 1995 NI 13

Appeal from Child Support Commissioner on question of law

26.—(1) An appeal on a question of law shall lie to the Court of Appeal from any decision of a Child Support Commissioner.

(2) No such appeal may be brought except—

(a) with leave of the Child Support Commissioner who gave the decision or, where regulations made by the Lord Chancellor so provide, of a Child Support Commissioner selected in accordance with the regulations; or

(b) if the Child Support Commissioner refuses leave, with the leave of the Court of Appeal.

(3) An application for leave to appeal under this Article against a decision of a Child Support Commissioner (“the appeal decision”) may only be made by—

(a) a person who was a party to the proceedings in which the original decision, or appeal decision, was given;

(b) the Department; or

(c) any other person who is authorised to do so by regulations made by the Lord Chancellor.

(4) In this Article “original decision” means the decision to which the appeal decision in question relates.

(5) The Lord Chancellor may by regulations make provision with respect to—

(a) the manner in which and the time within which applications must be made to a Child Support Commissioner for leave under this Article; and

(b) the procedure for dealing with such applications.

Disputes about parentage

27.—(1) Where a person who is alleged to be a parent of the child with respect to whom an application for a [^{F16}maintenance assessment] [^{F17}maintenance calculation] has been made [^{F18} or treated as made] (“the alleged parent”) denies that he is one of the child's parents, [^{F19} the Department] shall not make a [^{F16}maintenance assessment] [^{F17}maintenance calculation] on the assumption that the alleged parent is one of the child's parents unless the case falls within one of those set out in paragraph (2).

(2) The Cases are—

^{F20}CASE A1

Where—

- (a) the child is habitually resident in Northern Ireland;
- (b) the Department is satisfied that the alleged parent was married to the child's mother at some time in the period beginning with the conception and ending with the birth of the child; and
- (c) the child has not been adopted.

CASE A2

Where—

- (a) the child is habitually resident in Northern Ireland;
- (b) the alleged parent has been registered as the father of the child under Article 14 or 18(1)(b)(ii) of the Births and Deaths Registration (Northern Ireland) Order 1976, or under section 10 or 10A of the Births and Deaths Registration Act 1953, or in any register kept under section 13 or 44 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965; and
- (c) the child has not subsequently been adopted.

CASE A3

Where the result of a scientific test (within the meaning of Article 27A) taken by the alleged parent would be relevant to determining the child's parentage, and the alleged parent—

- (a) refuses to take such a test; or
- (b) has submitted to such a test, and it shows that there is no reasonable doubt that the alleged parent is a parent of the child.

CASE A

Where the alleged parent is a parent of the child in question by virtue of having adopted him.

CASE B

Where the alleged parent is a parent of the child in question by virtue of an order under section 30 of the Human Fertilisation and Embryology Act 1990

^{F21} (parental orders in favour of gamete donors).

^{F22}CASE B1

Where the Department is satisfied that the alleged parent is a parent of the child in question by virtue of section 27 or 28 of that Act (meaning of

“mother” and of “father” respectively).

CASE C

Where—

- (a) either—
 - (i) a declaration that the alleged parent is a parent of the child in question (or a declaration which has that effect) is in force under^{F23} Article^{F24} 31B or 32 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 or section 56 of the Family Law Act 1986^{F25} (declarations of parentage); or
 - (ii) a declarator by a court in Scotland that the alleged parent is a parent of the child in question (or a declarator which has that effect) is in force; and
- (b) the child has not subsequently been adopted.

CASE D

Where—

- (a) a declaration to the effect that the alleged parent is one of the parents of the child in question has been made under Article 28; and
- (b) the child has not subsequently been adopted.

CASE E

Where—

- (a) the alleged parent has been found or adjudged to be the father of the child in question—
 - (i) in affiliation proceedings before any court in the United Kingdom; or
 - (ii) in proceedings before any court in England and Wales^{F26} or Northern Ireland which are relevant proceedings for the purposes of section 12 of the Civil Evidence Act 1968^{F27}^{F28} or section 8 of the Civil Evidence Act (Northern Ireland) 1971, (whether or not he offered any defence to the allegation of paternity) and that finding or adjudication still subsists; and
 - (b) the child has not subsequently been adopted.
- (3) In this Article—

“adopted” means adopted within the meaning of Part V of the Adoption (Northern Ireland) Order 1987^{F29}; and

“affiliation proceedings”, in relation to Scotland, means any action of affiliation and aliment.]]]]]]

F16 Words in art. 27(1) substituted (3.3.2003 for certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 1\(2\)\(a\), 68\(2\)](#); S.R. 2003/53, art. 3(1), [Sch.](#)

F17 Words in art. 27(1) substituted (3.3.2003 for certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 1\(2\)\(a\), 68\(2\)](#); S.R. 2003/53, art. 3(1), [Sch.](#)

F18 Words in art. 27(1) inserted (3.3.2003 for certain purposes otherwise prosp.) by [Child Support, Pensions and Social Security Act \(Northern Ireland\) 2000 \(c. 4\), ss. 25, 68\(2\), Sch. 3 para. 17](#); S.R. 2003/53, art. 3(1), [Sch.](#)

F19 1998 NI 10

F20 2000 c. 4 (NI)

F21 1990 c. 37

F22 2000 c. 4 (NI)

F23 1995 NI 2

F24 2000 c. 4 (NI)

F25 1986 c. 55

F26	1995 NI 2
F27	1968 c. 64
F28	1995 NI 2
F29	1987 NI 22

[^{F30}Recovery of fees for scientific tests

27A.—(1) This Article applies in any case where—

- (a) an application for a [^{F31}maintenance assessment] [^{F32}maintenance calculation] has been made[^{F33} or treated as made] or a [^{F31}maintenance assessment] [^{F32}maintenance calculation] is in force;
- (b) scientific tests have been carried out (otherwise than under a direction) in relation to bodily samples obtained from a person who is alleged to be a parent of a child with respect to whom the application or [^{F34}assessment] [^{F35}calculation] is made[^{F36} or, as the case may be, treated as made];
- (c) the results of the tests do not exclude the alleged parent from being one of the child's parents; and
- (d) one of the conditions set out in paragraph (2) is satisfied.

(2) The conditions are that—

- (a) the alleged parent does not deny that he is one of the child's parents; or
- (b) in proceedings under[^{F37} Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989, a court has made a declaration that the alleged parent is a parent of the child in question.

(3) In any case to which this Article applies, any fee paid by the Department in connection with scientific tests may be recovered by it from the alleged parent as a debt due to the Crown.

(4) In this Article—

“bodily sample” means a sample of bodily fluid or bodily tissue taken for the purpose of scientific tests;

“direction” means a direction given by a court under Article 8 of the Family Law Reform (Northern Ireland) Order 1977^{F38} (tests to determine paternity); and

“scientific tests” means scientific tests made with the object of ascertaining the inheritable characteristics of bodily fluids or bodily tissue.

(5) Any sum recovered by the Department under this Article shall be paid by the Department into the Consolidated Fund.]]

F30	1995 NI 13
F31	Words in art. 27A(1)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2) ; S.R. 2003/53, art. 3(1) , Sch.
F32	Words in art. 27A(1)(a) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(a), 68(2) ; S.R. 2003/53, art. 3(1) , Sch.
F33	Words in art. 27A(1)(a) inserted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2) , Sch. 3 para. 18(a) ; S.R. 2003/53, art. 3(1) , Sch.

- F34** Word in art. 27A(1)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(b), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F35** Word in art. 27A(1)(b) substituted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 1(2)(b), 68(2); S.R. 2003/53, art. 3(1), Sch.
- F36** Words in art. 27A(1)(b) inserted (3.3.2003 for certain purposes otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), ss. 25, 68(2), Sch. 3 para. 18(b); S.R. 2003/53, art. 3(1), Sch.
- F37** 2000 c. 4 (NI)
- F38** 1980 NI 5

[^{F39}Applications for declaration of parentage under Matrimonial and Family Proceedings (Northern Ireland) Order 1989

28.—(1) This Article applies where—

- (a) an application for a maintenance calculation has been made (or is treated as having been made), or a maintenance calculation is in force, with respect to a person (“the alleged parent”) who denies that he is a parent of a child with respect to whom the application or calculation was made or treated as made;
- (b) the Department is not satisfied that the case falls within one of those set out in Article 27(2); and
- (c) the Department or the person with care makes an application for a declaration under Article 31B of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 as to whether or not the alleged parent is one of the child's parents.

(2) Where this Article applies—

- (a) if it is the person with care who makes the application, that person shall be treated as having a sufficient personal interest for the purposes of paragraph (3) of that Article; and
- (b) if it is the Department which makes the application, that paragraph shall not apply.]

F39 2000 c. 4 (NI)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Child Support (Northern Ireland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

- Order applied by [S.R. 2014/191 reg. 7\(1\)](#)
- Order applied in part (with modifications) by [S.R. 2010/312 reg. 16Sch. 2](#)
- Order power to apply (with modifications) conferred by [2008 c. 10 \(N.I.\) s. 3\(4\)](#)
- Order transfer of functions by [S.I. 2010/976 Sch. 17 para. 42](#)
- Order words substituted by [2009 c. 1 \(N.I.\) Sch. 6 para. 1\(1\)\(a\)](#)
- Order words substituted by [2009 c. 1 \(N.I.\) Sch. 6 para. 1\(1\)\(b\)](#)

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

- [Sch. 1 para. 9\(1\) Sch. 1 para. 9](#) renumbered as [Sch. 1 para. 9\(1\)](#) by [2008 c. 10 \(N.I.\) Sch. 1 para. 8\(1\)](#)
- [Sch. 1 para. 9\(2\)](#) added by [2008 c. 10 \(N.I.\) Sch. 1 para. 8\(4\)](#)
- [Sch. 1 para. 5A](#) and cross-heading inserted by [2008 c. 10 \(N.I.\) Sch. 1 para. 5\(2\)](#)
- [Sch. 1 para. 9\(1\)\(ba\)](#) inserted by [2008 c. 10 \(N.I.\) Sch. 1 para. 8\(3\)](#)
- [Sch. 1 para. 9\(1\)\(za\)](#) inserted by [2008 c. 10 \(N.I.\) Sch. 1 para. 8\(2\)](#)
- [Sch. 1 para. 5A\(2\)](#) modified by [S.R. 2012/428 reg. 3](#)
- [Sch. 1 para. 5A\(2\)](#) modified by [S.R. 2013/190 reg. 2](#)
- [Sch. 1 Pt. 1](#) words substituted by [2008 c. 10 \(N.I.\) Sch. 1 para. 2](#)
- [Sch. 1 Pt. 1 para. 10C\(5A\)](#) omitted by [S.I. 2019/1514 reg. 64\(5\)\(b\)](#)
- [Sch. 1 Pt. 1 para. 10C\(5\)](#) substituted for [Sch. 1 Pt. 1 para. 10C\(5\)\(6\)](#) by [S.I. 2019/1514 reg. 64\(4\)](#)
- [Sch. 1 Pt. 1 para. 6\(5\)\(b\)\(i\)\(ii\)](#) substituted for [Sch. 1 Pt. 1 para. 6\(5\)\(b\)\(i\)-\(iii\)](#) by [S.I. 2019/1514 reg. 64\(5\)\(a\)](#)
- [Sch. 1 Pt. 1 para. 5\(4\)](#) words inserted by [2007 c. 2 \(N.I.\) Sch. 3 para. 2\(8\)](#)
- [art. 2\(3\)](#) added by [2008 c. 10 \(N.I.\) Sch. 4 para. 1\(3\)](#)
- [art. 4\(4\)\(ba\)](#) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 16](#)
- [art. 7\(2A\)](#) inserted by [S.I. 2015/2006 \(N.I.\) art. 127\(2\)\(b\)](#)
- [art. 7\(3A\)-\(3C\)](#) inserted by [2023 c. 24 s. 4\(2\)\(a\)](#)
- [art. 7\(4\)\(d\)](#) and word inserted by [2023 c. 24 s. 4\(2\)\(b\)\(ii\)](#)
- [art. 11\(2A\)](#) inserted by [S.I. 2015/2006 \(N.I.\) art. 126\(1\)](#)
- [art. 11\(6\)\(a\)\(b\)](#) and word repealed by [2008 c. 10 \(N.I.\) Sch. 5](#)
- [art. 11A](#) inserted by [S.I. 2015/2006 \(N.I.\) art. 128](#)
- [art. 16A\(3A\)](#) inserted by [2008 c. 10 \(N.I.\) s. 27\(1\)](#)
- [art. 16A\(3A\)](#) substituted by [2010 c. 13 \(N.I.\) s. 32\(2\)](#)
- [art. 16A\(6\)](#) added by [2010 c. 13 \(N.I.\) s. 32\(3\)](#)
- [art. 19\(1\)\(c\)](#) repealed by [2008 c. 10 \(N.I.\) Sch. 5](#)
- [art. 22\(1\)\(ba\)](#) inserted by [2008 c. 10 \(N.I.\) Sch. 4 para. 1\(5\)](#)
- [art. 22\(2\)\(aa\)](#) inserted by [2008 c. 10 \(N.I.\) Sch. 4 para. 1\(6\)](#)
- [art. 22\(2A\)-\(2C\)](#) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 11 para. 2](#)
- [art. 22\(3A\)-\(3C\)](#) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 11 para. 3](#)
- [art. 22\(5A\)](#) inserted by [2008 c. 10 \(N.I.\) Sch. 4 para. 1\(7\)](#)
- [art. 22\(7A\)](#) inserted by [2008 c. 10 \(N.I.\) Sch. 4 para. 1\(8\)](#)
- [art. 27\(2\)\(b\)](#) words substituted by [S.I. 2019/1514 reg. 64\(2\)](#)
- [art. 27\(2\)\(b\)](#) words substituted by [S.I. 2019/1514 reg. 64\(2\)](#)
- [art. 28D\(2A\)\(2B\)](#) inserted by [2008 c. 10 \(N.I.\) s. 10\(2\)](#)
- [art. 28F\(4\)\(a\)](#) words repealed by [2008 c. 10 \(N.I.\) Sch. 5](#)
- [art. 29\(3\)\(c\)\(ca\)](#) substituted for [art. 29\(3\)\(c\)](#) by [2010 c. 13 \(N.I.\) s. 31\(2\)](#)
- [art. 29\(3A\)](#) inserted by [2010 c. 13 \(N.I.\) s. 31\(3\)](#)
- [art. 29\(4\)-\(7\)](#) added by [2008 c. 10 \(N.I.\) s. 12](#)

- art. 29(4)-(7) excluded by S.R. 2016/390 reg. 6(1)
- art. 31(8)(9) substituted for art. 31(8) by 2008 c. 10 (N.I.) s. 13
- art. 32A-32D inserted by 2008 c. 10 (N.I.) s. 14
- art. 32E-32K inserted by 2008 c. 10 (N.I.) s. 15
- art. 32G(1) restricted by SR 1992/390 reg. 25N (as inserted) by S.R. 2009/286 reg. 2
- art. 32H(2)(b) restricted by SR 1992/390 reg. 25N (as inserted) by S.R. 2009/286 reg. 2
- art. 32L inserted by 2008 c. 10 (N.I.) s. 16
- art. 32L(5) words inserted by S.I. 2019/1514 reg. 64(3)
- art. 32M32N inserted by 2008 c. 10 (N.I.) s. 17
- art. 36B-36F inserted by 2008 c. 10 (N.I.) s. 18
- art. 36G-36O inserted by 2008 c. 10 (N.I.) s. 19
- art. 37(2A)-(2C) inserted by 2008 c. 10 (N.I.) s. 20(1)
- art. 37(10)-(10C) substituted for art. 37(10) by 2008 c. 10 (N.I.) s. 20(2)
- art. 37(12) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(14)
- art. 37A(A1)-(A4)(1) substituted for art. 37A(1) by 2008 c. 10 (N.I.) s. 21(1)
- art. 37A(10)-(10C) substituted for art. 37A(10) by 2008 c. 10 (N.I.) s. 21(2)
- art. 37A(12) added by 2008 c. 10 (N.I.) Sch. 4 para. 1(17)
- art. 38A(5)(c)(d) repealed by 2008 c. 10 (N.I.) Sch. 4 para. 1(29)(a)
- art. 38C inserted by 2008 c. 10 (N.I.) s. 22
- art. 38D inserted by 2008 c. 10 (N.I.) s. 23
- art. 38E inserted by 2008 c. 10 (N.I.) s. 24
- art. 39(2)(g) added by 2008 c. 10 (N.I.) s. 28
- art. 40A inserted by 2008 c. 10 (N.I.) s. 29
- art. 41(4)(5) inserted by S.I. 2011/1484 Sch. 7 para. 22
- art. 41(4) omitted by S.I. 2019/519 Sch. para. 20(a)
- art. 41(5) omitted by S.I. 2019/519 Sch. para. 20(b)
- art. 45A inserted by 2008 c. 10 (N.I.) s. 25
- art. 45B45C inserted by 2008 c. 10 (N.I.) s. 30
- art. 45D inserted by 2008 c. 10 (N.I.) s. 31
- art. 46(1A)-(1C) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(19)
- art. 47A inserted by 2008 c. 10 (N.I.) s. 32
- art. 47A(6) inserted by S.I. 2015/2006 (N.I.) Sch. 11 para. 4
- art. 48(2B) inserted by 2008 c. 10 (N.I.) Sch. 4 para. 1(22)