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## STATUTORY INSTRUMENTS

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# 1993 No. 1576

## The Family Law (Northern Ireland) Order 1993

### Maintenance enforcement

#### **Amendment of orders transferred under s. 102 of the Social Security Administration (Northern Ireland) Act 1992**

**10.**—(1) In section 102 of the Social Security Administration (Northern Ireland) Act 1992<sup>F1</sup> (recovery of expenditure on income support: additional amounts and transfer of orders), after subsection (4) (transfer of right to receive payments under the order to the dependent parent) there shall be inserted—

“(4A) In any case where—

- (a) notice is given to a court of summary jurisdiction under subsection (3) above,
- (b) payments under the order are required to be made by any method of payment falling within Article 85(7) of the Magistrates' Courts (Northern Ireland) Order 1981 (standing order, etc.), and
- (c) the clerk of petty sessions decides that payment by that method is no longer possible,

the clerk shall amend the order to provide that payments under the order shall be made by the liable parent to the collecting officer.”

(2) After subsection (7) of that section (transfer back of right to receive payments under the order to the Department) there shall be inserted—

“(7A) Subject to subsections (7B) and (7C) below, in any case where—

- (a) notice is given to a court of summary jurisdiction under subsection (7) above, and
- (b) the method of payment under the order which subsists immediately before the day on which the transfer under subsection (7) above takes effect differs from the method of payment which subsisted immediately before the day on which the transfer under subsection (3) above (or, if there has been more than one such transfer, the last such transfer) took effect,

the clerk of petty sessions shall amend the order by reinstating the method of payment under the order which subsisted immediately before the day on which the transfer under subsection (3) above (or, as the case may be, the last such transfer) took effect.

(7B) The clerk shall not amend the order under subsection (7A) above if the Department gives notice in writing to him, on or before the day on which the notice under subsection (7) above is given, that the method of payment under the order which subsists immediately before the day on which the transfer under subsection (7) above takes effect is to continue.

(7C) In any case where—

- (a) notice is given to a court of summary jurisdiction under subsection (7) above,
- (b) the method of payment under the order which subsisted immediately before the day on which the transfer under subsection (3) above (or, if there has been more than one such transfer, the last such transfer) took effect was any method of

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**Changes to legislation:** *The Family Law (Northern Ireland) Order 1993, Section 10 is up to date with all changes known to be in force on or before 19 April 2024. 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*

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payment falling within Article 85(7) of the Magistrates' Courts (Northern Ireland) Order 1981 (standing order, etc.), and

(c) the clerk of petty sessions decides that payment by that method is no longer possible,

the clerk shall amend the order to provide that payments under the order shall be made by the liable parent to the collecting officer.” .

**F1** 1992 c. 18

**Changes to legislation:**

The Family Law (Northern Ireland) Order 1993, Section 10 is up to date with all changes known to be in force on or before 19 April 2024. 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- art. 10 repealed by [2010 c. 13 \(N.I.\) Sch. 4 Pt. 1](#)

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

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

- art. 11A-11J and cross-heading inserted by [2021 c. 2 \(N.I.\) s. 36](#)
- art. 12(3)(i) inserted by [2011 c. 24 \(N.I.\) s. 95\(2\)](#)