
STATUTORY INSTRUMENTS

1995 No. 2702

The Child Support (Northern Ireland) Order 1995

Miscellaneous

Non-referral of applications for maintenance assessments

13. In Article 13 of the Order of 1991, after paragraph (1)(referral of application for maintenance assessment to child support officer) there shall be inserted—

“(1A) Where—

- (a) an application for a maintenance assessment is made under Article 9, but
- (b) the Department becomes aware, before referring the application to a child support officer, that the claim mentioned in paragraph (1) of that Article has been disallowed or withdrawn,

the Department shall, subject of paragraph (1B), treat the application as if it had not been made.

(1B) If it appears to the Department that paragraph (10) of Article 7 would not have prevented the parent with care concerned from making an application for a maintenance assessment under that Article the Department shall—

- (a) notify that parent of the effect of this paragraph, and
- (b) if, before the end of the period of 28 days beginning with the day on which notice was sent to that parent, that parent asks the Department to do so, treat the application as having been made not under Article 9 but under Article 7.

(1C) Where the application is not preserved under paragraph (1B) (and so is treated as not having been made) the Department shall notify—

- (a) the parent with care concerned; and
- (b) the absent parent (or alleged absent parent), where it appears to him that that person is aware of the application.”