
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 167

FAMILY LAW
CHILD SUPPORT

**The Child Support (Miscellaneous Amendments
No. 2) Regulations (Northern Ireland) 1999**

Made - - - - 31st March 1999

Coming into operation in accordance with regulation 1

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 14(2), 16(1), 18(1) and (4), 19(3) and (5), 22(4), 28G(3) and (4), 43(2) and 47 of, and paragraphs 4(2) and 10 of Schedule 4A, paragraph 2 of Schedule 4B and paragraphs 1 and 2 of Schedule 4C to, the Child Support (Northern Ireland) Order 1991(1) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Child Support (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1999 and shall, subject to paragraphs (2) and (3), come into operation on 1st June 1999.

(2) Regulation 3(9) shall come into operation on 18th October 1999.

(3) Regulation 2(20)(a) shall come into operation on 29th November 1999.

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations

2.—(1) The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(2) shall be amended in accordance with paragraphs (2) to (26).

(2) In regulation 1 (interpretation)—

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- (1) [S.I. 1991/2628 \(N.I. 23\)](#); Articles 18, 19 and 22 were substituted by Articles 40, 41 and 42 respectively of the Social Security (Northern Ireland) Order 1998 ([S.I. 1998/1506 \(N.I. 10\)](#)), Article 28G was inserted by Article 3(1) of the Child Support (Northern Ireland) Order 1995 ([S.I. 1995/2702 \(N.I. 13\)](#)), Article 47 was amended by paragraph 31 of Schedule 6 to the Social Security (Northern Ireland) Order 1998, Schedules 4A and 4B were inserted by Schedules 1 and 2 respectively to the Child Support (Northern Ireland) Order 1995 and Schedule 4C was inserted by paragraph 37 of Schedule 6 to the Social Security (Northern Ireland) Order 1998
- (2) [S.R. 1992 No. 340](#); relevant amending regulations are [S.R. 1993 No. 164](#), [S.R. 1994 No. 37](#), [S.R. 1995 Nos. 19, 162 and 475](#), [S.R. 1996 Nos. 289, 317, 541 and 590](#) and [S.R. 1998 Nos. 8 and 400](#)

- (a) in paragraph (2) after the definition of “obligation imposed by Article 9 of the Order” there shall be inserted the following definition—
 - ““official error” means an error made by an officer of the Department acting as such which no person outside the Department caused or to which no person outside the Department materially contributed;” and
 - (b) in paragraph (7) for “8(6), 23(2), 28(3) or 30(6)(a)” there shall be substituted “9(1) or 17(4)”.
- (3) In regulation 7 (death of a qualifying child)—
- (a) in paragraph (1)—
 - (i) for “the child support officer concerned” there shall be substituted “the Department” and for “he” where it first occurs there shall be substituted “it”;
 - (ii) in sub-paragraph (a) for “he” there shall be substituted “the Department”; and
 - (iii) in sub-paragraph (b) for “him” there shall be substituted “the Department”; and
 - (b) in paragraph (2) for “the child support officer” there shall be substituted “the Department”.
- (4) In regulation 8(3) (categories of interim maintenance assessment)—
- (a) in paragraph (1)—
 - (i) for “a child support officer” there shall be substituted “the Department”;
 - (ii) for “his” there shall be substituted “its”; and
 - (iii) for “he” there shall be substituted “it”; and
 - (b) in paragraph (3)—
 - (i) for “a child support officer” in each place where it occurs there shall be substituted “the Department”;
 - (ii) in sub-paragraph (a) for “by him to enable him” there shall be substituted “by the Department to enable it”;
 - (iii) in sub-paragraph (b) for “him” there shall be substituted “the Department” and, in head (ii), “or the child support officer” shall be omitted; and
 - (iv) in sub-paragraph (d) for “him” there shall be substituted “it”.
- (5) In regulation 8A(4) (amount of an interim maintenance assessment)—
- (a) for “a child support officer” and “the child support officer” in each place where they occur there shall be substituted “the Department”; and
 - (b) for “he” in each place where it occurs there shall be substituted “it”.
- (6) In regulation 8C (effective date of an interim maintenance assessment)—
- (a) in paragraph (1)—
 - (i) “9(9) or” shall be omitted;
 - (ii) in sub-paragraph (a) “and to regulations 8B and 9(2) and (3)” shall be omitted; and
 - (iii) in sub-paragraphs (b) and (c) “and to regulations 30 to 30C” shall be omitted;
 - (b) in paragraph (2)—
 - (i) for the words from the beginning to “regulations 30 to 30C” there shall be substituted “The effective date of an interim maintenance assessment made under Article 14(1) (b) of the Order shall, subject to regulation 32(7)”; and

(3) Regulations 8 to 8D were substituted for regulation 8 by regulation 3(3) of S.R. 1995 No. 475

(4) Regulation 8A was amended by regulation 3(2) of S.R. 1998 No. 8

- (ii) for “is being reviewed” there shall be substituted “the Department is proposing to supersede with a decision under Article 19 of the Order”; and
 - (c) in paragraph (3) “, regulation 8B or 9(2), (3) or (9),” shall be omitted.
- (7) In regulation 8D (miscellaneous provisions in relation to interim maintenance assessments)—
- (a) paragraph (3) shall be omitted;
 - (b) in paragraph (4) for “28, 30 to 30C, 31, 32(5) and 53” there shall be substituted “31 and 32(5)”;
 - (c) in paragraph (5)—
 - (i) “and to regulation 9(15)” shall be omitted; and
 - (ii) for “a child support officer” there shall be substituted “it”;
 - (d) in paragraph (6) for “Subject to regulation 9(15), where a child support officer has insufficient information or evidence to enable him” there shall be substituted “Where the Department has insufficient information or evidence to enable it”; and
 - (e) in paragraph (7) for “a child support officer” there shall be substituted “the Department”.
- (8) For regulations 9 and 9A(5) there shall be substituted the following regulation—

“Interim maintenance assessments which follow other interim maintenance assessments

9.—(1) Where an interim maintenance assessment is being revised on the ground specified in regulation 16(1)(b) and the Department is satisfied—

- (a) that another Category A, Category B or Category D maintenance assessment should be made; and
- (b) that there has been unavoidable delay for part of the period during which the assessment which is being revised was in force,

the effective date of that other—

- (i) Category A or Category D interim maintenance assessment shall be the first day of the maintenance period following the date on which, in the opinion of the Department, the delay became avoidable;
- (ii) Category B interim maintenance assessment shall be the date set out in regulation 8C(1)(b).

(2) Where an interim maintenance assessment is revised on either of the grounds set out in regulation 16(4) or (5), payments made under that interim maintenance assessment before the revision shall be treated as payments made under the Category B interim maintenance assessment which replaces it.

(3) Subject to paragraphs (5) and (6), where the Department makes a Category B interim maintenance assessment following the revision of an interim maintenance assessment in accordance with regulation 16(4), the effective date of that Category B interim maintenance assessment shall be the date determined in accordance with regulation 8C(1)(b).

(4) Where the Department makes a fresh interim maintenance assessment following the supersession of an interim maintenance assessment in accordance with regulation 19(7), the effective date of that fresh interim maintenance assessment shall be the date from which that supersession took effect.

(5) Regulations 9 and 9A were substituted for regulation 9 by regulation 3(4) of [S.R. 1995 No. 475](#); regulation 9 was amended by regulation 3(4) of [S.R. 1998 No. 8](#) and regulation 2(3) of [S.R. 1998 No. 400](#); regulation 9A was amended regulation 2(4) of [S.R. 1998 No. 400](#)

(5) Where the Department cancels on a revision an interim maintenance assessment in accordance with regulation 16(4) which caused a court order to cease to have effect in accordance with regulation 3(5) of the Maintenance Arrangements and Jurisdiction Regulations, the effective date of the Category B interim maintenance assessment referred to in regulation 16(4) shall be the date on which that revision took effect.

(6) Where the revision of an interim maintenance assessment in accordance with regulation 16(5) caused a court order to cease to have effect in accordance with regulation 3(5) of the Maintenance Arrangements and Jurisdiction Regulations, the effective date of the Category B interim maintenance assessment referred to in regulation 16(4) shall be the date on which that revision took effect.”.

(9) In regulation 10(6) (notification of a new or a fresh maintenance assessment)—

(a) for paragraph (1) there shall be substituted the following paragraph—

“(1) A person with a right of appeal to an appeal tribunal under—

(a) Article 22 of the Order; and

(b) Article 22 of the Order as extended by paragraph 3(1)(b) of Schedule 4C to the Order,

shall be given notice of that right and of the decision to which that right relates.”;

(b) paragraphs (1A) to (1C) shall be omitted;

(c) in paragraph (2)—

(i) after “paragraph (1)” there shall be inserted “of a new or fresh maintenance assessment made under Article 13, 18 or 19”; and

(ii) in sub-paragraph (i) “or (b)” shall be omitted;

(d) in paragraph (2A) for “a review under Article 18 of the Order of a maintenance assessment the effective date of which is on or before 8th December 1996 or a review under Article 21(1)” there shall be substituted “a revision of a maintenance assessment under Article 18 of the Order or a supersession of a maintenance assessment under Article 19”;

(e) in paragraph (3)(a) for “of the child support officer concerned” there shall be substituted “of the officer concerned who is exercising functions of the Department under the Order”; and

(f) for paragraphs (4) to (6) there shall be substituted the following paragraph—

“(4) Where a decision as to a maintenance assessment is made under Article 13, 14, 18 or 19 of the Order, a notification under paragraph (1) shall include information as to the provisions of Articles 18 and 19 of the Order.”.

(10) In regulation 10A(7) (notification of increase or reduction in the amount of a maintenance assessment)—

(a) in paragraph (1), for—

(i) “a child support officer” and “he” there shall be substituted “the Department”; and

(ii) “Article 20” there shall be substituted “Articles 18 and 19”; and

(b) in paragraph (2)(a) for “of the child support officer concerned” there shall be substituted “of the officer concerned who is exercising functions of the Department under the Order”.

(6) Regulation 10 was amended by regulation 4(2) of S.R. 1994 No. 37, regulation 4(4) of S.R. 1995 No. 19, regulation 8(4) of S.R. 1995 No. 162, regulation 3(5) of S.R. 1995 No. 475, regulation 50 of S.R. 1996 No. 541 and regulation 2(5) of S.R. 1998 No. 400

(7) Regulation 10A was inserted by regulation 3(5) of S.R. 1998 No. 8

(11) For regulation 15B(8) (notification that an appeal has lapsed) there shall be substituted the following regulation—

“Notification that an appeal has lapsed

15B. Where an appeal lapses in accordance with Article 18(6) of the Order, the Department shall, so far as is reasonably practicable, notify the relevant persons that that appeal has lapsed.”.

(12) For Parts V to VII of the Maintenance Assessment Procedure Regulations(9) there shall be substituted the following Part—

“PART V

REVISIONS AND SUPERSESSIONS

Revision of decisions

16.—(1) Subject to paragraphs (6) and (8), any decision may be revised by the Department—

- (a) if the Department receives an application for the revision of a decision under Article 18 of the Order within one month of the date of notification of the decision or within such longer time as may be allowed under regulation 17;
- (b) if—
 - (i) the Department notifies a person, who applied for a decision to be revised within the period specified in sub-paragraph (a), that the application is unsuccessful because the Department is not in possession of all of the information or evidence needed to make a decision; and
 - (ii) that person reapplies for a decision to be revised within one month of the notification described in head (i), or such longer period as the Department is satisfied is reasonable in the circumstances of the case, and provides in that application sufficient information or evidence to enable a decision to be made;
- (c) if the decision arose from an official error;
- (d) if the Department is satisfied that the original decision was erroneous due to a misrepresentation of, or failure to disclose, a material fact and that the decision was more advantageous to the person who misrepresented or failed to disclose that fact than it would otherwise have been but for that error; or
- (e) if the Department commences action leading to the revision of a decision within one month of the date of notification of the decision.

(2) A decision may be revised by the Department in consequence of a departure direction where that departure direction takes effect on the effective date.

(3) Subject to regulation 19(6), a decision of the Department under Article 14 of the Order may be revised where—

- (a) the Department receives information which enables it to make a maintenance assessment calculated in accordance with Part I of Schedule 1 to the Order for the

(8) Regulation 15B was inserted by regulation 3(9) of S.R. 1995 No. 475

(9) Amended by S.R. 1993 No. 164, S.R. 1994 No. 37, S.R. 1995 Nos. 162 and 475, S.R. 1996 No. 590 and S.R. 1998 Nos. 8 and 400

whole of the period beginning with the effective date applicable to a particular case;
or

- (b) the Department is satisfied that there was unavoidable delay by the absent parent in—
- (i) completing and returning a maintenance enquiry form under the provisions of regulation 6(1);
 - (ii) providing information or evidence that is required by it for the determination of an application for a maintenance assessment; or
 - (iii) providing information or evidence that is required by it to enable it to revise a decision under Article 18 of the Order or supersede a decision under Article 19 of the Order.

(4) Where an interim maintenance assessment is in force which is not a Category B interim maintenance assessment and the Department is satisfied that it would be appropriate to make a Category B interim maintenance assessment, it may revise the interim maintenance assessment which is in force.

(5) Where the Department revises an interim maintenance assessment in accordance with paragraph (4) and that interim maintenance assessment was made immediately following a previous interim maintenance assessment, it may also revise that previous interim maintenance assessment.

(6) Paragraph (1) shall not apply—

- (a) in respect of a material change of circumstances which—
 - (i) occurred since the date from which the decision had effect; or
 - (ii) is expected, according to information or evidence which the Department has, to occur; or
- (b) where—
 - (i) an appeal against a decision has been brought but not determined; and
 - (ii) from the point of view of the appellant, a revision of that decision, if made, would be less to his advantage than the original decision.

(7) In paragraphs (1), (2) and (6) and regulation 17(3) “decision” means a decision of the Department under Article 13 or 14 of the Order and any supersession of such a decision.

(8) Paragraph (1) shall apply in relation to—

- (a) any decision of the Department with respect to a reduced benefit direction or a person’s liability under Article 40 of the Order; and
- (b) the supersession of any such decision under Article 19 as extended by paragraph 2 of Schedule 4C to the Order,

as it applies in relation to any decision of the Department under Articles 13, 14 or 19 of the Order.

Late application for a revision

17.—(1) The period of one month specified in regulation 16(1)(a) may be extended where the requirements specified in the following provisions of this regulation are satisfied.

(2) An application for an extension of time shall be made by a relevant person or a person acting on his behalf.

(3) An application for an extension of time shall—

- (a) be made within 13 months of the date on which notification of the decision which it is sought to have revised was given or sent; and
 - (b) contain particulars of the grounds on which the extension of time is sought and shall contain sufficient details of the decision which it is sought to have revised to enable that decision to be identified.
- (4) An application for an extension of time shall not be granted unless the person making the application or any person acting for him satisfies the Department that—
- (a) it is reasonable to grant the application;
 - (b) the application for a decision to be revised has merit; and
 - (c) special circumstances are relevant to the application for an extension of time,
- and as a result of those special circumstances, it was not practicable for the application for a decision to be revised to be made within one month of the date of notification of the decision which it is sought to have revised.
- (5) In determining whether it is reasonable to grant an application for an extension of time, the Department shall have regard to the principle that the greater the time that has elapsed between the expiry of the period of one month described in regulation 16(1)(a) from the date of notification of the decision which it is sought to have revised and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application is based.
- (6) In determining whether it is reasonable to grant an application for an extension of time, no account shall be taken of the following—
- (a) that the person making the application for an extension of time or any person acting for him was unaware of or misunderstood the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by these regulations); or
 - (b) that a Child Support Commissioner or a court has taken a different view of the law from that previously understood and applied.
- (7) An application under this regulation for an extension of time which has been refused may not be renewed.
- (8) In this regulation “Child Support Commissioner” includes a Child Support Commissioner appointed under section 22 of the Child Support Act 1991(10).

Date from which revised decision takes effect

18. Where the date from which a decision took effect is found to be erroneous on a revision under Article 18 of the Order, the revision shall take effect from the date on which the revised decision would have taken effect had the error not been made.

Supersession of decisions

19.—(1) Subject to paragraphs (9) and (10), for the purposes of Article 19 of the Order, the cases and circumstances in which a decision (“a superseding decision”) may be made under that Article are set out in paragraphs (2) to (7).

(2) A decision may be superseded by a decision made by the Department acting on its own initiative—

- (a) where it is satisfied that the decision is one in respect of which there has been a material change of circumstances since the decision was made;

- (b) where it is satisfied that the decision was made in ignorance of, or was based upon a mistake as to, some material fact; or
 - (c) in consequence of a departure direction or of a revision or supersession of a decision with respect to a departure direction.
- (3) Except where paragraph (8) applies, a decision may be superseded by a decision made by the Department where—
- (a) an application is made on the basis that—
 - (i) there has been a change of circumstances since the decision was made; or
 - (ii) it is expected that a change of circumstances will occur; and
 - (b) the Department is satisfied that the change of circumstances is or would be material.
- (4) A decision may be superseded by a decision made by the Department where—
- (a) an application is made on the basis that the decision was made in ignorance of, or was based upon a mistake as to, a fact; and
 - (b) the Department is satisfied that the fact is or would be material.
- (5) A decision, other than a decision made on appeal, may be superseded by a decision made by the Department—
- (a) acting on its own initiative where it is satisfied that the decision was erroneous in point of law; or
 - (b) where an application is made on the basis that the decision was erroneous in point of law.
- (6) An interim maintenance assessment may be superseded by a decision made by the Department where the Department receives information which enables it to make a maintenance assessment calculated in accordance with Part I of Schedule 1 to the Order for a period beginning after the effective date of that interim maintenance assessment.
- (7) Subject to regulation 16(4) and (5), where the Department is satisfied that it would be appropriate to make an interim maintenance assessment the category of which is different from that of the interim maintenance assessment which is in force, it may make a decision which supersedes the interim maintenance assessment which is in force.
- (8) This paragraph applies—
- (a) where any paragraph of regulation 20 applies; and
 - (b) in the case of a Category A or Category D interim maintenance assessment.
- (9) The cases and circumstances in which a decision may be superseded shall not include any case or circumstance in which a decision may be revised.
- (10) Paragraphs (2) to (6) shall not apply in respect of—
- (a) a decision to refuse an application for a maintenance assessment; or
 - (b) a decision to cancel a maintenance assessment.
- (11) For the purposes of Article 19 of the Order as extended by paragraph 2 of Schedule 4C to the Order, paragraphs (2) to (5) shall apply in relation to—
- (a) a decision with respect to a reduced benefit direction or a person's liability under Article 40 of the Order; and
 - (b) any decision of the Department under Article 19 of the Order as extended by paragraph 2 of Schedule 4C to the Order,

whether as originally made or as revised under Article 18 of the Order as extended by paragraph 1 of Schedule 4C to the Order, as they apply in relation to any decision as to a maintenance assessment save that paragraph (8) shall not apply in respect of such a decision.

Circumstances in which a decision may not be superseded

20.—(1) A decision of the Department shall not be superseded in any of the circumstances specified in the following paragraphs of this regulation.

(2) Except where paragraph (3) or (4) applies and subject to paragraph (5) and regulation 21, this paragraph applies where the difference between—

- (a) the amount of child support maintenance (“the amount”) fixed in accordance with the original decision; and
- (b) the amount which would be fixed in accordance with a superseding decision,

is less than £10·00 per week.

(3) Subject to paragraph (5), this paragraph applies where the circumstances of the absent parent are such that the provisions of paragraph 6 of Schedule 1 to the Order would apply and either—

- (a) the amount fixed in accordance with the original decision is less than the amount that would be fixed in accordance with a superseding decision and the difference between the two amounts is less than £5·00 per week; or
- (b) the amount fixed in accordance with the original decision is more than the amount that would be fixed in accordance with the superseding decision and the difference between the two amounts is less than £1·00 per week.

(4) Subject to paragraph (5), this paragraph applies where—

- (a) the children, in respect of whom child support maintenance would be fixed in accordance with a superseding decision, are not the same children for whom child support maintenance was fixed in accordance with the original decision; and
- (b) the difference between—
 - (i) the amount of child support maintenance (“the amount”) fixed in accordance with the original decision; and
 - (ii) the amount which would be fixed in accordance with a superseding decision,is less than £1·00 per week.

(5) This regulation shall not apply where—

- (a) the absent parent is, by virtue of paragraph 5(4) of Schedule 1 to the Order, to be taken for the purposes of that Schedule to have no assessable income;
- (b) the case falls within paragraph 7(2) of that Schedule; or
- (c) it appears to the Department that the case no longer falls within paragraph 5(4) of that Schedule.

(6) In this regulation—

“original decision” means the decision which would be superseded but for the application of this regulation; and

“superseding decision” means a decision which would supersede the original decision but for the application of this regulation.

Special cases and circumstances for which regulation 20 is modified

21. Where an application is made for a supersession on the basis of a change of circumstances which is relevant to more than one maintenance assessment, regulation 20 shall apply with the following modifications—

- (a) before “amount” in each place where it occurs there shall be inserted “aggregate”;
and
- (b) for “decision” in each place where it occurs there shall be substituted “decisions”.

Date from which a superseding decision takes effect

22.—(1) Except in a case to which paragraph (2) applies, where notice is given under regulation 23 in the period which begins 28 days before an application for a supersession is made and ends 28 days after that application is made, the superseding decision of which notice was given under regulation 23 shall take effect from the first day of the maintenance period in which that application was made.

(2) Where a decision is superseded by a decision made by the Department in a case to which regulation 19(2)(a) applies on the basis of information or evidence which was also the basis of a decision made under Article 10 or 11 of the Social Security (Northern Ireland) Order 1998⁽¹¹⁾ the superseding decision under Article 19 of the Order shall take effect from the first day of the maintenance period in which that information or evidence was first brought to the attention of an officer exercising functions of the Department under the Order.

(3) Where a superseding decision is made in a case to which regulation 19(2)(b) or (5)(a) applies, the decision shall take effect from the first day of the maintenance period in which the decision was made.

(4) Where a superseding decision is made in a case to which regulation 19(3)(a)(i), (4) or (5)(b) applies, the decision shall take effect from the first day of the maintenance period in which the application for a supersession was made.

(5) Where a superseding decision is made in a case to which regulation 19(3)(a)(ii) applies, the decision shall take effect from the first day of the maintenance period in which the change of circumstances is due to occur.

(6) Subject to paragraphs (1), (3) and (14), in a case to which regulation 23 applies, a superseding decision shall take effect from the first day of the maintenance period in which falls the date which is 28 days after the date on which the Department gave notice to the relevant persons under that regulation.

(7) For the purposes of paragraph (6), where the relevant persons are notified on different dates, the period of 28 days shall be counted from the date of the latest notification.

(8) For the purposes of paragraphs (6) and (7)—

- (a) notification includes oral and written notification;
- (b) where a person is notified in more than one way, the date on which he is notified is the date on which he was first given notification; and
- (c) the date of written notification is the date on which it was handed or sent to the person.

(9) Regulation 1(6) shall not apply in a case to which paragraph (8)(c) applies.

(10) Where—

- (a) a decision made by an appeal tribunal under Article 22 of the Order or by a Child Support Commissioner is superseded on the ground that it was erroneous due to a misrepresentation of, or that there was a failure to disclose, a material fact; and
- (b) the Department is satisfied that the decision was more advantageous to the person who misrepresented or failed to disclose that fact than it would otherwise have been but for that error,

the superseding decision shall take effect from the date the decision of the appeal tribunal or, as the case may be, the Child Support Commissioner took, or was to take, effect.

(11) Any decision made under Article 19 of the Order in consequence of a determination which is a relevant determination for the purposes of Article 28ZC of the Order shall take effect from the date of the relevant determination.

(12) Where the Department supersedes a decision in accordance with regulation 19(6), the superseding decision shall take effect from the first day of the maintenance period in which the Department received the information referred to in that paragraph.

(13) Where the Department supersedes a decision in accordance with regulation 19(7), the superseding decision shall take effect from the first day of the maintenance period in which the Department became satisfied that it would be appropriate to make an interim maintenance assessment the category of which is different from that of the maintenance assessment which is in force.

(14) Where a decision is superseded in consequence of a departure direction or a revision or supersession of a decision with respect to a departure direction—

- (a) paragraph (6) shall not apply; and
- (b) the superseding decision shall take effect from the date on which the departure direction or, as the case may be, the revision or supersession, took effect.

(15) Where a decision with respect to a reduced benefit direction is superseded because the direction ceases to be in force in accordance with regulation 40(a), the superseding decision shall take effect from—

- (a) where the direction is in operation immediately before it ceases to be in force, the last day of the benefit week during the course of which the parent concerned complied with the obligations imposed by Article 9 of the Order; or
- (b) where the direction is suspended immediately before it ceases to be in force, the date on which the parent concerned complied with the obligations imposed by Article 9 of the Order.

(16) Where a decision with respect to a reduced benefit direction is superseded because the direction ceases to be in force in accordance with regulation 40(b), the superseding decision shall take effect from—

- (a) where the direction is in operation immediately before it ceases to be in force, the last day of the benefit week during the course of which the application under regulation 40(b) was made; or
- (b) where the direction is suspended immediately before it ceases to be in force, the date on which the application under regulation 40(b) was made.

(17) Where a decision with respect to a reduced benefit direction is superseded because the direction ceases to be in force in accordance with regulation 40(c) or (d), the superseding decision shall take effect from—

- (a) where the direction is in operation immediately before it ceases to be in force, the last day of the benefit week during the course of which the Department is supplied with information that enables it to make the assessment; or

- (b) where the direction is suspended immediately before it ceases to be in force, the date on which the Department is supplied with information that enables it to make the assessment.

(18) Where a decision with respect to a reduced benefit direction is superseded because the direction ceases to be in force in accordance with regulation 45(1), the superseding decision shall take effect from the last day of the benefit week preceding the benefit week on the first day of which, in accordance with the provisions of regulation 35(4), the further direction comes into operation, or would come into operation but for the provisions of regulation 39 or 39ZA.

Procedure where the Department proposes to supersede a decision on its own initiative

23. Where the Department on its own initiative proposes to make a decision superseding a decision other than in consequence of a decision with respect to a departure direction or a revision or supersession of such a decision it shall notify the relevant persons who could be materially affected by the decision of that intention.”.

(13) In regulation 29(2A)(**12**) and (4) (effective dates of new maintenance assessments)—

- (a) for “a child support officer” in each place where it occurs there shall be substituted “the Department”; and
 (b) for “he” in each place where it occurs there shall be substituted “it”.

(14) In regulation 29A(**13**) (effective dates of new maintenance assessments in certain cases)—

- (a) in paragraphs (2), (4)(c) and (6)—
 (i) for “a child support officer” in each place where it occurs there shall be substituted “the Department”; and
 (ii) for “him” in each place where it occurs there shall be substituted “it”; and
 (b) in paragraph (5) for “a child support officer” there shall be substituted “it”.

(15) In regulation 31 (cancellation of a maintenance assessment) for “a child support officer” and “the child support officer” there shall be substituted “the Department”.

(16) In regulation 31A(**14**) (notification of intention to cancel a maintenance assessment under paragraph 16(4A) of Schedule 1 to the Order)—

- (a) in paragraph (1)—
 (i) for “A child support officer” there shall be substituted “The Department”; and
 (ii) for “his” there shall be substituted “its”; and
 (b) in paragraph (2) for “a child support officer” there shall be substituted “the Department”.

(17) In regulation 32(3)(**15**) (maintenance periods) for “following a review under Article 18 of the Order by a child support officer of a maintenance assessment the effective date of which is on or before 8th December 1996, or a revision by the Department under that Article after 6th December 1998, or a review under Article 19, 20 or 21” there shall be substituted “made upon the supersession of a decision under Article 19”.

(18) For regulation 34(**16**) (periods for compliance with obligations imposed by Article 9 of the Order) there shall be substituted the following regulation—

(12) Regulation 29(2A) was inserted by regulation 8(10)(c) of [S.R. 1995 No. 162](#)

(13) Regulation 29A was inserted by regulation 3(19) of [S.R. 1995 No. 475](#) and amended by regulation 2(5) of [S.R. 1996 No. 590](#)

(14) Regulation 31A was inserted by regulation 3(21) of [S.R. 1995 No. 475](#)

(15) Regulation 32(3) was amended by regulation 2(11) of [S.R. 1998 No. 400](#)

(16) Regulation 34 was amended by regulation 3(6) of [S.R. 1996 No. 317](#)

“Periods for compliance with obligations imposed by Article 9 of the Order

34. The period specified for the purposes of Article 43(2) of the Order is—

- (a) except where paragraph (b) applies, 4 weeks from the date on which the Department serves notice under Article 43(2); or
- (b) 8 weeks from that date where the Department has received, within 2 weeks of serving that notice, a statement in writing from the parent with care which sets out the reasons why she believes that, if she were to be required to comply with an obligation imposed by Article 9 of the Order, there would be a risk, as a result of that compliance, of her or any child or children living with her suffering harm or undue distress.”.

(19) In regulation 34A(17) (circumstances in which a reduced benefit direction shall not be given), for “A child support officer” there shall be substituted “The Department”.

(20) In regulation 35(18) (amount of and period of reduction of relevant benefit under a reduced benefit direction)—

- (a) in paragraph (4) for “the adjudication officer” there shall be substituted “the Department”; and
- (b) in paragraph (5C) for “a child support officer” there shall be substituted “the Department”.

(21) In regulation 37(6) (suspension of a reduced benefit direction when relevant benefit ceases to be payable) for “a child support officer” there shall be substituted “the Department”.

(22) For regulations 40 to 44(19) there shall be substituted the following regulation—

“Termination of reduced benefit direction

40. A reduced benefit direction shall cease to be in force—

- (a) where a parent with care, with respect to whom such a direction is in force, complies with the obligations imposed by Article 9 of the Order;
- (b) upon an application made for the purpose where the Department is satisfied that a parent with care, with respect to whom such a direction is in force, should not be required to comply with the obligations imposed by Article 9 of the Order; or
- (c) where—
 - (i) an absent parent applies for a maintenance assessment to be made under Article 7 of the Order with respect to all of his qualifying children in relation to whom the other parent of those children is a person with care;
 - (ii) a direction is in force with respect to that other parent following her failure to comply with the obligations imposed by Article 9 of the Order in relation to those qualifying children; and
 - (iii) an assessment is made in response to that application by the absent parent for a maintenance assessment.”.

(23) In regulation 45(20) (reduced benefit directions where there is an additional qualifying child)

- (a) in paragraph (1)—

(17) Regulation 34A was inserted by regulation 3(23) of [S.R. 1995 No. 475](#)

(18) Paragraph (4) was amended by regulation 8(12)(a) of [S.R. 1995 No. 162](#) and regulation 3(7)(c) of [S.R. 1996 No. 317](#) and paragraph (5C) was inserted by regulation 8(12)(b) of [S.R. 1995 No. 162](#) and amended by regulation 20(6)(c) of [S.R. 1996 No. 289](#)

(19) Regulation 41 was amended by regulation 4(12) of [S.R. 1993 No. 164](#) and regulation 8(14) of [S.R. 1995 No. 162](#)

(20) Paragraph (1) was amended by regulation 20(10) of [S.R. 1996 No. 289](#) and paragraph (3) was substituted by regulation 3(10)(a) of [S.R. 1996 No. 317](#)

- (i) for “a child support officer” there shall be substituted “the Department”; and
 - (ii) the words from “on the last day” to the end shall be omitted; and
 - (b) in paragraph (3)(b) for “a child support officer” there shall be substituted “the Department”.
- (24) For regulation 47 (notice of termination of a reduced benefit direction) there shall be substituted the following regulation—

“Notice of termination of a reduced benefit direction

47. Where a direction ceases to be in force under the provisions of regulation 40, 45 or 46, or is suspended under the provisions of regulation 46, the Department shall serve notice of such termination or suspension, as the case may be, on the parent concerned and shall specify the date on which the direction ceases to be in force or is suspended, as the case may be.”.

(25) In Schedule 1 (meaning of “child” for the purposes of the Order) in paragraph 4(1) for “a child support officer” there shall be substituted “the Department”.

(26) In Schedule 2 (multiple applications)—

(a) in paragraph 2—

- (i) in sub-paragraph (1) for “refer each such application to a child support officer and, if no maintenance assessment has been made in relation to any of the applications, the child support officer shall determine which application he” there shall be substituted “, if no maintenance assessment has been made in relation to any of the applications, determine which application it”; and
- (ii) in sub-paragraphs (2) to (11) for “the child support officer” in each place where it occurs there shall be substituted “the Department” and for “he” in each place where it occurs there shall be substituted “it”; and

(b) in paragraph 3 the words from “unless the Department” to the end shall be omitted.

Amendment of the Child Support Departure Direction and Consequential Amendments Regulations

3.—(1) The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996⁽²¹⁾ shall be amended in accordance with paragraphs (2) to (18).

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “application” after “means” there shall be inserted “, except in regulations 32A to 32G,”; and
- (b) after the definition of “non-applicant” there shall be inserted the following definition—

““official error” means an error made by an officer of the Department acting as such which no person outside the Department caused or to which no person outside the Department materially contributed;”.

(3) In regulation 4 (application for a departure direction) paragraphs (11) to (14) shall be omitted.

(4) In regulation 6(2) (provision of information) for “14 days” there shall be substituted “one month, or such longer period as the Department is satisfied is reasonable in the circumstances of the case,”.

(5) In regulation 8 (procedure in relation to the determination of an application)—

- (a) in paragraph (3)(b) the words “of 14 days” shall be omitted;

(21) S.R. 1996 No. 541; relevant amending regulations are S.R. 1998 Nos. 8 and 400

- (b) in paragraph (8)(i)—
 - (i) the words “or by a child support officer,” shall be omitted; and
 - (ii) for “for a review of” there shall be substituted “for a revision or a supersession of”;
 - (c) in paragraph (9)(b) for “refer the case to a child support officer” there shall be substituted “make a decision in accordance with regulation 16(2) or 19(2)(c) of the Maintenance Assessment Procedure Regulations”; and
 - (d) paragraph (11) shall be omitted.
- (6) After regulation 8 there shall be inserted the following regulation—

“Procedure in relation to determination of an application for a revision or a supersession of a decision with respect to a departure direction

8A. Regulation 8 shall apply to any application for a revision or a supersession of a decision with respect to a departure direction as it applies to an application for a departure direction with the following modifications—

- (a) as if for paragraph (1) there were substituted the following paragraphs—
 - “(1) Except where paragraph (1A) applies, the Department shall—
 - (a) give notice of an application for a revision or a supersession of a decision with respect to a departure direction to the relevant persons other than the applicant;
 - (b) inform them of the grounds on which the application has been made and any relevant information or evidence the applicant has given, except details, information or evidence falling within paragraph (2);
 - (c) invite representations from the relevant persons other than the applicant on any matter relating to that application; and
 - (d) explain the provisions of paragraphs (2), (5) and (6) in relation to such representations.
 - (1A) This paragraph applies where an application for a revision or a supersession has been made and the Department is satisfied on the information or evidence available to it that either—
 - (a) a revision or supersession of a departure direction is unlikely to be made; or
 - (b) in a case where the applicant was the applicant for the decision which is to be revised or superseded and a ground, on which the decision to be revised or superseded was made, no longer applies.”;
- (b) as if paragraphs (3), (4) and (7) were omitted;
- (c) as if in paragraph (4A) for “that a departure direction was unlikely to be given, but on further consideration of the application it is minded to give a departure direction in that case” there were substituted “that a decision revising or superseding a decision with respect to a departure direction was unlikely to be made, but on further consideration of the application it is minded to make such a decision”;
- (d) as if in paragraph (5)—
 - (i) for “(1), (6) or (7)” there were substituted “(1) or (6)”; and
 - (ii) after “application” there were added “for a decision revising or superseding a decision”;
- (e) as if in paragraph (8)—

- (i) for “In deciding whether to give a departure direction” there were substituted “Before deciding whether or not to make a decision revising or, as the case may be, superseding a decision as to a departure direction in consequence of an application for such a decision”; and
- (ii) in sub-paragraph (a) for “by the applicant for that direction” there were substituted “in connection with the application”; and
- (f) as if for paragraphs (9) and (10) there were substituted the following paragraph—
 - “(9) Where the Department has determined an application made for the purpose of revising or superseding a decision it shall, as soon as is reasonably practicable, notify the relevant persons of—
 - (a) that determination;
 - (b) the reasons for it; and
 - (c) where appropriate, the basis on which the amount of child support maintenance is to be fixed by any fresh assessment made in consequence of that determination.”

(7) For regulation 11A(22) (meaning of “current assessment” for the purposes of the Order) there shall be substituted—

“Meaning of “current assessment” for the purposes of the Order

11A. Where—

- (a) an application under Article 28A of the Order has been made in respect of a current assessment; and
- (b) after the making of that application, a fresh maintenance assessment has been made upon a revision of a decision as to a maintenance assessment under Article 18 of the Order,

references to the current assessment in Articles 28B(3), 28C(2)(a) and 28F(5) of, and in paragraph 8 of Schedule 4A and paragraphs 2, 3 and 4 of Schedule 4B to, the Order shall have effect as if they were references to the fresh maintenance assessment.”

(8) In regulation 14 (contact costs) after paragraph (7) there shall be added the following paragraph—

“(8) This regulation shall apply in relation to an application made for the purpose of superseding a decision with respect to a departure direction as if—

- (a) in paragraphs (1) and (7) for “at the time a departure direction is applied for” there were substituted “at the time an application is made for a decision superseding a decision with respect to a departure direction”; and
- (b) in paragraph (5) after “an application” there were inserted “for the supersession of a decision with respect to a departure direction.”

(9) In regulation 15(4)(a)(23) (illness or disability) for “ the adjudicating authority” there shall be substituted “the Department”.

(10) In regulation 32(24) (effective date of a departure direction)—

- (a) in paragraphs (1) and (2) for “28 days” in each place where it occurs there shall be substituted “one month”;

(22) Regulation 11A was inserted by regulation 9(5) of S.R. 1998 No. 8 and amended by regulation 5(2) of S.R. 1998 No. 400

(23) Regulation 15(4) was amended by regulation 9(6)(a) of S.R. 1998 No. 8

(24) Regulation 32 was amended by regulation 9(12) of S.R. 1998 No. 8

- (b) in paragraph (3A) at the beginning there shall be inserted “Subject to paragraph (3B),”;
 - (c) after paragraph (3A) there shall be inserted the following paragraph—
 - “(3B) For the purposes of paragraph (3A), paragraph (8) of regulation 14 shall not apply.”; and
 - (d) paragraphs (7) and (8) shall be omitted.
- (11) After regulation 32 there shall be inserted the following regulations—

“Revision of decisions

32A.—(1) Subject to paragraphs (2) and (3), a decision of the Department or any decision on referral under Article 28D(1)(b) of the Order of an appeal tribunal with respect to a departure direction may be revised by the Department under Article 18 of the Order as extended by paragraph 1 of Schedule 4C to the Order—

- (a) if the Department receives an application for the revision of a decision under Article 18 of the Order as extended within one month of the date of notification of the decision or within such longer time as may be allowed by regulation 32B;
 - (b) if—
 - (i) the Department notifies a person, who applied for a decision to be revised within the period specified in sub-paragraph (a), that the application is unsuccessful because the Department is not in possession of all of the information or evidence needed to make a decision; and
 - (ii) that person reapplies for a decision to be revised within one month of the notification described in head (i) or such longer period as the Department is satisfied is reasonable in the circumstances of the case, and provides in that application sufficient information or evidence to enable a decision to be made;
 - (c) if the decision arose from an official error;
 - (d) if the Department is satisfied that the original decision was erroneous due to a misrepresentation of, or failure to disclose, a material fact and that the decision was more advantageous to the person who misrepresented or failed to disclose that fact than it would otherwise have been but for that error;
 - (e) where a departure direction takes effect in the circumstances described in regulation 35(3); or
 - (f) if the Department commences action leading to the revision of a decision within one month of the date of notification of the decision.
- (2) Paragraph (1) shall not apply—
- (a) in respect of a material change of circumstances which—
 - (i) occurred since the date from which the decision had effect; or
 - (ii) is expected, according to information or evidence which the Department has, to occur; or
 - (b) where—
 - (i) an appeal against the original decision has been brought but not determined; and
 - (ii) from the point of view of the appellant, a revision, if made, would be less to his advantage than the original decision.

Late application for a revision

32B.—(1) The period of one month specified in regulation 32A(1)(a) may be extended where the requirements specified in the following provisions of this regulation are satisfied.

(2) An application for an extension of time shall be made by a relevant person or a person acting on his behalf.

(3) An application for an extension of time shall—

- (a) be made within 13 months of the date on which notification of the decision which it is sought to have revised was given or sent; and
- (b) contain particulars of the grounds on which the extension of time is sought and shall contain sufficient details of the decision which it is sought to have revised to enable that decision to be identified.

(4) An application for an extension of time shall not be granted unless the person making the application, or any person acting for him, satisfies the Department that—

- (a) it is reasonable to grant the application;
- (b) the application for the decision to be revised has merit; and
- (c) special circumstances are relevant to the application for an extension of time,

and as a result of those special circumstances, it was not practicable for the application for a decision to be revised to be made within one month of the date of notification of the decision which it is sought to have revised.

(5) In determining whether it is reasonable to grant an application for an extension of time, the Department shall have regard to the principle that the greater the time that has elapsed between the expiry of the period of one month described in regulation 32A(1)(a) from the date of notification of the decision which it is sought to have revised and the making of the application for an extension of time, the more compelling should be the special circumstances on which the application is based.

(6) In determining whether it is reasonable to grant an application for an extension of time, no account shall be taken of the following—

- (a) that the person making the application for an extension of time or any person acting for him was unaware of or misunderstood the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by these Regulations); or
- (b) that a Child Support Commissioner or a court has taken a different view of the law from that previously understood and applied.

(7) An application under this regulation for an extension of time which has been refused may not be renewed.

(8) In this regulation “Child Support Commissioner” includes a Child Support Commissioner appointed under section 22 of the Child Support Act 1991(25).

Date from which a revision of a decision takes effect

32C. Where the date from which a decision took effect is found to be erroneous on a revision, the revision shall take effect from the date on which the revised decision would have taken effect had the error not been made.

Supersession of decisions

32D.—(1) For the purposes of Article 19 of the Order as it applies in relation to decisions with respect to departure directions by virtue of paragraph 2 of Schedule 4C to the Order and subject to paragraphs (6), (9) and (10), the cases and circumstances in which a decision with respect to a departure direction may be made under that Article are set out in paragraphs (2) to (5).

(2) A decision may be superseded by a decision made by the Department acting on its own initiative where it is satisfied that—

- (a) there has been a material change of circumstances since the decision was made; or
- (b) the decision was made in ignorance of, or was based upon a mistake as to, some material fact.

(3) A decision may be superseded by a decision made by the Department where—

- (a) an application is made on the basis that—
 - (i) there has been a change of circumstances since the decision was made; or
 - (ii) it is expected that a change of circumstances will occur; and
- (b) the Department is satisfied that the change of circumstances is or would be material.

(4) A decision may be superseded by a decision made by the Department where—

- (a) an application is made on the basis that the decision was made in ignorance of, or was based upon a mistake as to, a fact; and
- (b) the Department is satisfied that the fact is or would be material.

(5) A decision, other than a decision made on appeal, may be superseded by a decision made by the Department—

- (a) where an application is made on the basis that the decision was erroneous in point of law; or
- (b) acting on its own initiative where it is satisfied that the decision was erroneous in point of law.

(6) Subject to paragraph (7), paragraphs (2)(a) and (3) shall not apply where, if a decision were to be superseded in accordance with Article 19 of the Order, the difference between the current amount and the revised amount would be less than £1·00 per week.

(7) Paragraph (6) shall not apply where the Department is satisfied on the information or evidence available to it that a ground on which the decision to be superseded was made no longer applies.

(8) In paragraph (6) “revised amount” means the amount of child support maintenance which would be fixed if a decision with respect to a maintenance assessment were to be superseded by a decision made by the Department in accordance with paragraphs (2)(a) and (3) but for the operation of paragraph (6).

(9) The cases and circumstances in which a decision may be superseded by a decision made by the Department shall not include any case or circumstance in which a decision may be revised.

(10) Subject to paragraph (11), paragraphs (2) to (5) shall not apply in respect of—

- (a) a decision to reject or refuse an application for a departure direction; or
- (b) a decision to cancel a departure direction.

(11) Paragraph (10) shall not apply in a case to which either paragraph (2) or (3) of regulation 35 applies.

Date from which a superseding decision takes effect

32E.—(1) This regulation contains exceptions to the provisions of Article 19(4) of the Order, as it applies in relation to decisions with respect to departure directions by virtue of paragraph 2 of Schedule 4C to the Order, as to the date from which decisions which supersede earlier decisions are to take effect.

(2) Subject to paragraphs (3) and (5), where—

(a) a decision is made by the Department which supersedes an earlier decision in consequence of an application having been made under Article 19 of the Order as it applies in relation to decisions with respect to departure directions by virtue of paragraph 2 of Schedule 4C to the Order; and

(b) the date on which the application is made is not the first day in a maintenance period, the decision shall take effect from the first day of the maintenance period in which the application is made.

(3) Where a decision is superseded by a decision made by the Department in a case to which regulation 32D(2)(a) applies on the basis of information or evidence which was also the basis of a decision made under Article 10 or 11 of the Social Security (Northern Ireland) Order 1998 the superseding decision under Article 19 of the Order extended by paragraph 2 of Schedule 4C to the Order shall take effect from the first day of the maintenance period in which that information or evidence was first brought to the attention of an officer exercising functions of the Department under the Order.

(4) Where a decision is superseded by a decision made by the Department under regulation 32D(3) in consequence of an application made on the basis that a material change of circumstances is expected to occur, the superseding decision shall take effect from the first day of the maintenance period which immediately succeeds the maintenance period in which the material change of circumstances is expected to occur.

(5) Where the Department makes, on its own initiative, a decision superseding a decision in consequence of information or evidence contained in an unsuccessful application for a revision of that decision, the superseding decision shall take effect from the first day of the maintenance period in which that application was made.

(6) Where—

(a) a decision made by an appeal tribunal under Article 22 of the Order as extended by paragraph 3 of Schedule 4C to the Order is superseded on the ground that it was erroneous due to a misrepresentation of, or that there was a failure to disclose, a material fact; and

(b) the Department is satisfied that the decision was more advantageous to the person who misrepresented or failed to disclose that fact than it would otherwise have been but for that error,

the superseding decision shall take effect from the date the decision it superseded took, or was to take, effect.

(7) Any decision made under Article 19 of the Order as extended by paragraph 2 of Schedule 4C to the Order in consequence of a decision which is a relevant determination for the purposes of Article 28ZC of the Order shall take effect from the date of the relevant determination.

(8) Where a decision with respect to a departure direction is superseded by a decision under Article 19 of the Order as extended by paragraph 2 of Schedule 4C to the Order because the departure direction ceases to have effect in accordance with regulation 35(1), the superseding decision shall take effect from the date on which the decision, that the maintenance assessment is cancelled or ceases to have effect, takes or took effect.

(9) Where the superseding decision referred to in paragraph (8) is superseded by a further decision made under Article 19 of the Order in the circumstances described in regulation 35(2), that further decision shall take effect from the effective date of the fresh maintenance assessment.

(10) Where a decision with respect to a departure direction is superseded by a decision under Article 19 of the Order as extended by paragraph 2 of Schedule 4C to the Order because the departure direction is suspended in accordance with regulation 35(4), the superseding decision shall take effect from the effective date of the later interim maintenance assessment or, as the case may be, the interim maintenance assessment which replaces a maintenance assessment.

(11) Where the superseding decision referred to in paragraph (10) is superseded by a further decision under Article 19 of the Order as extended because the interim maintenance assessment referred to in regulation 35(4)(c) is followed by a maintenance assessment made in accordance with the provisions of Part I of Schedule 1 to the Order or by an interim maintenance assessment to which regulation 10 does not apply, that further decision shall take effect from the effective date of the fresh maintenance assessment or, as the case may be, interim maintenance assessment.

Cancellation of departure directions

32F. The Department may cancel a departure direction where—

- (a) regulation 32A(1) applies and the Department is satisfied that it was not appropriate to have given it; or
- (b) regulation 32D applies and the Department is satisfied that it is no longer appropriate for it to continue to have effect.

Notification of right of appeal, decision and reasons for decision

32G.—(1) The Department shall notify a person with a right of appeal under the Order against a decision under Article 18 or 19 of the Order as those Articles apply in relation to decisions with respect to departure directions by virtue of paragraphs 1 and 2 of Schedule 4C to the Order with respect to a departure direction of—

- (a) that right;
 - (b) that decision; and
 - (c) the reasons for that decision.
- (2) A written notice provided under paragraph (1)—
- (a) shall also contain sufficient information to enable a relevant person to exercise a right of appeal; and
 - (b) shall not contain any information which it is not necessary for a person to have in order to understand how the decision was reached.”.

(12) In regulation 34A(3)(**26**) (correction of accidental errors in departure directions), for “Article 28H(3) of the Order” there shall be substituted “regulation 31(1) (time within which appeals are to be brought) or, as the case may be, regulation 32(1) (late appeals) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**27**)”.

(13) In regulation 35 (termination and suspension of departure directions)—

- (a) in paragraph (2)—
 - (i) for “a child support officer” there shall be substituted “the Department”; and

(26) Regulation 34A was inserted by regulation 9(13) of S.R. 1998 No. 8

(27) S.R. 1999 No. 162

- (ii) “from the effective date of the fresh maintenance assessment” shall be omitted;
 - (b) in paragraph (3) “from the date that maintenance assessment was cancelled or ceased to have effect” shall be omitted; and
 - (c) in paragraph (4) for the words from “from the effective date” to the end there shall be substituted “where the interim maintenance assessment referred to in sub-paragraph (c) is followed by a maintenance assessment made in accordance with the provisions of Part I of Schedule 1 to the Order or by an interim maintenance assessment to which regulation 10 does not apply”.
- (14) In regulation 41(28) (child support maintenance payable where effect of a departure direction would be to decrease an absent parent’s assessable income but case still fell within paragraph 2(3) of Schedule 1 to the Order)—
- (a) in paragraph (5) for “the child support officer” there shall be substituted “the Department”; and
 - (b) in paragraph (6) for “a review under Article 18 of the Order by a child support officer of a maintenance assessment the effective date of which is on or before 8th December 1996 or a revision by the Department under that Article after 6th December 1998, or a review under Article 19, 20 or 21 of the Order” there shall be substituted “a decision under Article 18 of the Order revising a decision as to a maintenance assessment or a decision under Article 19 of the Order superseding a decision as to a maintenance assessment”.
- (15) In regulation 42(4)(29) (application of regulation 41 where there is a transfer of property falling within paragraph 3 of Schedule 4B to the Order) for “the child support officer” there shall be substituted “the Department”.
- (16) In regulation 44(5)(30) (maintenance assessment following a departure direction where there is a phased maintenance assessment)—
- (a) for the words from the beginning to “of the Order” there shall be substituted “Where the Department is satisfied that, were a decision as to a fresh maintenance assessment to be made under Article 18 or, as the case may be, Article 19 of the Order”; and
 - (b) for “the reviewed unadjusted departure amount” in each place where it occurs there shall be substituted “the fresh unadjusted departure amount”.
- (17) In regulation 46A(1)(31) (cases to which regulation 11A applies) for “to (c)” there shall be substituted “and (b)”.
- (18) In regulation 48 (transitional provisions — new maintenance assessment made before 2nd December whose effective date is on or after 2nd December 1996) for “28 days” in both places where it occurs there shall be substituted “one month”.

Revocations

4. The Regulations specified in column (1) of the Schedule are revoked to the extent mentioned in column (3) of the Schedule.

(28) Paragraph (5) was amended by regulation 9(17)(c) of S.R. 1998 No. 8 and paragraph (6) was amended by regulation 5(3) of S.R. 1998 No. 400

(29) Regulation 42(4) was amended by regulation 9(18)(c) of S.R. 1998 No. 8

(30) Regulation 44(5) was amended by regulation 9(21) of S.R. 1998 No. 8

(31) Regulation 46A was inserted by regulation 9(23) of S.R. 1998 No. 8

Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

31st March 1999.

John O'Neill
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 4

Regulations revoked

Column (1) <i>Citation</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992	S.R. 1992 No. 340	Regulations 8B, 11 to 15A, 30 to 30C, 50 and 52 to 55
The Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 1993	S.R. 1993 No. 164	Regulation 4(3) to (10), (12) and (14)
The Child Support (Miscellaneous Amendments and Transitional Provisions) Regulations (Northern Ireland) 1994	S.R. 1994 No. 37	Regulation 4
The Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 1995	S.R. 1995 No. 19	Regulation 4(3), (4)(c) and (d) and (6)
The Child Support and Income Support (Amendment) Regulations (Northern Ireland) 1995	S.R. 1995 No. 162	Regulation 8(2), (3), (4)(a) and (e), (5) to (9), (11) and (14)
The Child Support (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1995	S.R. 1995 No. 475	Regulation 3(4), (5)(a), (6) to (17) and (20)
The Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 1996	S.R. 1996 No. 317	Regulation 3(2) to (4) and (6)
The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996	S.R. 1996 No. 541	Regulations 11, 33, 34 and 50(a), (e) and (f)
The Child Support (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1996	S.R. 1996 No. 590	Regulation 2(4)
The Child Support (Miscellaneous Amendments) Regulations (Northern Ireland) 1998	S.R. 1998 No. 8	Regulations 3(4) and (6) and 9(4) and (5)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column (1) <i>Citation</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
The Child Support (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1998	S.R. 1998 No. 400	Regulations 2 and 5

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations are made in consequence of the amendments to the Child Support (Northern Ireland) Order 1991 (“the 1991 Order”) by the Social Security (Northern Ireland) Order 1998 (“the 1998 Order”) which transfers to the Department of Health and Social Services functions of child support officers under Article 15 of the 1991 Order and alters the way first tier decisions are made and changed. They amend the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992 and the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996 to make provision as to when and how a decision may be revised or superseded and the date from which a revision or supersession takes effect. The Regulations also make consequential amendments and revocations.

Articles 18, 19, 22 and 47 of, and paragraphs 1 and 2 of Schedule 4C to, the 1991 Order, some of the enabling provisions under which these Regulations are made, were substituted, amended or inserted by Articles 40 to 42 of, and paragraphs 31 and 37 of Schedule 6 to, the 1998 Order. The Social Security (1998 Order) (Commencement No. 2) Order (Northern Ireland) 1998 ([S.R. 1998 No. 395 \(C. 19\)](#)) provides for the coming into operation of paragraph 31(a) of Schedule 6 on 16th November 1998 and Article 40 on 7th December 1998. The Social Security (1998 Order) (Commencement No. 4) Order (Northern Ireland) 1999 ([S.R. 1999 No. 102 \(C. 13\)](#)) provides for the coming into operation of—

Articles 41 and 42, in relation to the substitution of enabling provisions for these Regulations;
paragraph 31 of Schedule 6, in so far as it is not already in operation; and
paragraph 37 of Schedule 6,
for the purpose only of authorising the making of regulations, on 10th March 1999.