
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 53

**The Child Support, Pensions and Social Security (2000 Act)
(Commencement No. 9) Order (Northern Ireland) 2003**

Appointed day for the coming into operation of provisions specified in the Schedule to this Order

3.—(1) 3rd March 2003 is the day appointed for the coming into operation of the provisions of the Act specified in the Schedule to this Order, in so far as not already in operation, for the purpose of—

- (a) cases where an application for child support maintenance is made to the Department (whether or not in writing) and the effective date would be on or after 3rd March 2003;
- (b) cases where there is an existing assessment and a related decision falls to be made; and
- (c) cases where there is an existing assessment and where—
 - (i) an application is made or treated as made which would but for that assessment result in a maintenance calculation being made,
 - (ii) the non-resident parent in relation to the application referred to in head (i) is the absent parent in relation to the existing assessment, and
 - (iii) the person with care in relation to the application referred to in head (i) is a different person to the person with care in relation to the existing assessment.

(2) For the purposes of paragraph (1)(b) “a related decision” is—

- (a) a maintenance calculation which falls to be made with respect to a person who is a relevant person in relation to the existing assessment, whether or not with respect to a different qualifying child;
- (b) a maintenance calculation which falls to be made with respect to the partner (“A”) of a person (“B”) who is a relevant person in relation to the existing assessment, where A or B is in receipt of a prescribed benefit and either—
 - (i) A is the non-resident parent in relation to the maintenance calculation and B is the absent parent in relation to the existing assessment, or
 - (ii) A is the person with care in relation to the maintenance calculation and B is the person with care in relation to the existing assessment;
- (c) a decision which falls to be made in a case where—
 - (i) the existing assessment is in force in relation to a person (“C”) and a maintenance calculation is in force in relation to another person (“D”),
 - (ii) C or D is in receipt of a prescribed benefit,
 - (iii) either—
 - (aa) C is the absent parent in relation to the existing assessment and D is the non-resident parent in relation to the maintenance calculation, or
 - (bb) C is the person with care in relation to the existing assessment and D is the person with care in relation to the maintenance calculation, and

- (iv) a decision relating to the prescribed benefit referred to in head (ii) is superseded on the ground that C is the partner of D; or
- (d) a decision which falls to be made in a case where a person (“E”) and another person (“F”) become entitled to a prescribed benefit as partners, and where –
 - (i) E is the absent parent in relation to the existing assessment and F is the non-resident parent in relation to a maintenance calculation, or
 - (ii) E is the person with care in relation to the existing assessment and F is the person with care in relation to the maintenance calculation.