
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 399

**The Child Maintenance (2008 Act)
(Commencement No. 3 and Transitional and
Savings Provisions) Order (Northern Ireland) 2008**

Transitional and savings provisions

3.—(1) Any existing case, as defined in paragraph (2), shall be treated from 27th October 2008 as though the person with care had made an application under Article 7 of the 1991 Order.

(2) In paragraph (1), an existing case is one in which, immediately before 14th July 2008, Article 9 of the 1991 Order applied in relation to a parent with care and—

- (a) a maintenance assessment or calculation was in force as a result of the Department acting under that Article; or
- (b) no maintenance assessment or calculation had been made but the Department had given notice in accordance with regulation 5 of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992⁽¹⁾ or regulation 5 of the Child Support (Maintenance Calculation Procedure) Regulations (Northern Ireland) 2001⁽²⁾.

(3) Paragraph (1) shall not apply in any case where the maintenance assessment or calculation ceases to have effect, or would have ceased to have effect had it been made, before 27th October 2008.

(4) The repeal of Article 9 of the 1991 Order shall not prevent the Department from exercising any powers that otherwise it would have had under Article 38 of that Order to recover and retain arrears of child support maintenance accrued in relation to any period before 27th October 2008.

(1) [S.R. 1992 No. 340](#); regulation 5 was amended by regulation 4(2) of [S.R. 1993 No. 164](#)

(2) [S.R. 2001 No. 17](#); regulation 5 was amended by regulation 8(2) of [S.R. 2003 No. 84](#)