

EXPLANATORY MEMORANDUM

THE CHILD SUPPORT MAINTENANCE (CHANGES TO BASIC RATE CALCULATION AND MINIMUM AMOUNT OF LIABILITY) REGULATIONS (NORTHERN IRELAND) 2012

2012 No. 428

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under paragraph 10A(1) of Schedule 1 to the Child Support (Northern Ireland) Order 1991 and is subject to the confirmatory resolution procedure.

2. Background

- 2.1. Child maintenance legislation is based on the general principle that all parents take financial responsibility for all of their children. The main objectives of the legislation are to maximise the number of effective maintenance arrangements for children who live apart from one or both of their parents, to encourage parents to make and keep effective voluntary maintenance arrangements and to support parents in making applications for statutory child maintenance.
- 2.2. A statutory child maintenance scheme was established under the Child Support (Northern Ireland) Order 1991 and has been in operation since 1993. That scheme was amended by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and introduced a second scheme for all applications received after March 2003 and currently operates alongside the 1993 scheme.
- 2.3. The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 (“the Maintenance Calculation Regulations”) set out the rules and procedures for a new child maintenance scheme provided for by the Child Maintenance Act (Northern Ireland) 2008 (“the Act”).

3. Purpose

- 3.1. The Regulations make changes to the way in which the basic rate of child maintenance is calculated, where a non-resident parent has relevant other children (children other than the children who are the subject of the maintenance calculation). By reducing the percentage by which a non-resident parent’s gross income is reduced to take account of relevant other children, the Regulations ensure that income is shared in a fairer way between the children who are the subject of the calculation and the relevant other children.

- 3.2. The Regulations also make a technical change to ensure that the flat rate of maintenance will be £5 when the amendments in the Act are first commenced. The Department intends to increase the flat rate to £10 once the amendments made by the Act have been commenced for all cases.

4. Consultation

- 4.1. There is no requirement to consult on these Regulations. A consultation exercise was conducted by the Department for Work and Pensions in Great Britain and the Department issued the consultation paper to interested organisations in Northern Ireland. The consultation document was published on the Department's website.

5. Equality Impact

- 5.1. Proposals for the Act were subject to a full Equality Impact Assessment. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded that the proposals do not have any additional implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

- 6.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

7. Financial Implications

- 7.1. Not applicable

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—
- (a) is not incompatible with any of the Convention rights,
 - (b) is not incompatible with Community law,
 - (c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and
 - (d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998..

9. EU Implications

- 9.1. Not applicable

10. Parity or Replicatory Measure

- 10.1. The corresponding Great Britain Regulations are the Child Support Maintenance (Changes to Basic Rate Calculation and Minimum Amount of Liability) Regulations 2012. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.