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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 276**

**The Child Maintenance (2008 Act) (Commencement No. 12  
and Savings Provisions) Order (Northern Ireland) 2013**

**Citation and interpretation**

1.—(1) This Order may be cited as the Child Maintenance (2008 Act) (Commencement No. 12 and Savings Provisions) Order (Northern Ireland) 2013.

(2) In this Order—

“the Child Support Order” means the Child Support (Northern Ireland) Order 1991<sup>(1)</sup>;

“the 2000 Act” means the Child Support, Pensions and Social Security Act (Northern Ireland) 2000<sup>(2)</sup>;

“the Act” means the Child Maintenance Act (Northern Ireland) 2008; and

“new calculation rules” means Part 1 of Schedule 1 to the Child Support Order as amended by the provisions specified in Article 2.

(3) In this Order, subject to paragraph (5)—

“maintenance calculation”, “non-resident parent”, “person with care” and “qualifying child” have the meanings given in the Child Support Order<sup>(3)</sup>; and

“absent parent” and “maintenance assessment” have the meanings given in the 1991 Order before its amendment by the 2000 Act.

(4) In this Order, a reference to an existing case is to a case in which there is—

(a) a maintenance assessment in force;

(b) a maintenance calculation, made otherwise than in accordance with the new calculation rules, in force;

(c) an application for a maintenance assessment which has been made but not determined; or

(d) an application for a maintenance calculation, which falls to be made otherwise than in accordance with the new calculation rules, which has been made but not determined.

(5) In this Order—

(a) a reference to a non-resident parent includes reference to a person who is—

(i) alleged to be the non-resident parent for the purposes of an application for child support maintenance under the Child Support Order, or

(ii) treated as the non-resident parent for the purposes of the Child Support Order<sup>(4)</sup>; and

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(1) [S.I. 1991/2628 \(N.I. 23\)](#)

(2) [2000 c. 4 \(N.I.\)](#)

(3) The definition of “maintenance calculation” is substituted for the definition of “maintenance assessment” by paragraph 12(e) of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 ([c. 4 \(N.I.\)](#)) and the term “non-resident parent” is substituted for the definition of “absent parent” by paragraph 11 of that Schedule

(4) A person may be treated as a non-resident parent for the purposes of the Child Support (Northern Ireland) Order 1991 (“the Order”) under regulation 49(2) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 ([S.R. 2012 No. 427](#)) or regulation 8(2) of the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001 ([S.R. 2001 No. 18](#))

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

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- (b) a reference to an absent parent includes reference to a person who is—
  - (i) alleged to be the absent parent for the purposes of an application for child support maintenance under the Child Support Order, or
  - (ii) treated as the absent parent for the purposes of the Child Support Order<sup>(5)</sup>.

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<sup>(5)</sup> A person may be treated as an absent parent for the purposes of the Order under regulation 20(2) of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992 ([S.R. 1992 No. 341](#))