

SCHEDULE 6

Regulation 55

Deductions from benefit in respect of child support maintenance and payment to persons with care

Interpretation

1. In this Schedule—

“beneficiary” means a person who has been awarded a specified benefit;

“fee” means any collection fee under Part 2 of the Child Support Fees Regulations (Northern Ireland) 2014 ^{M1} which is payable by the non-resident parent;

“maintenance”, except in [^{F1}paragraph 3(1)], means child support maintenance which a non-resident parent is liable to pay under the Child Support Order at a flat rate (or would be so liable but for a variation having been agreed to) where that rate applies (or would have applied) because the non-resident parent falls within [^{F2}paragraph 4(1)(a), (b)], (c) or (2) of Schedule 1 to that Order ^{M2} (flat rate) and includes such maintenance payable at a transitional rate in accordance with regulations made under section 28(2)(a) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (transitional provisions, savings, etc.);

“person with care” has the same meaning as in Article 4 of the Child Support Order (meaning of certain other terms used in this Order);

“specified benefit” means—

- (a) an employment and support allowance;
- (b) a jobseeker's allowance;
- (c) universal credit.

Textual Amendments

- F1** Words in [Sch. 6 para. 1](#) substituted (10.12.2019) by [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(a)(i)**
- F2** Words in [Sch. 6 para. 1](#) substituted (10.12.2019) by [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(a)(ii)**

Marginal Citations

- M1** [S.R. 2014 No. 182](#).
- M2** Paragraph 4 of Schedule 1 was substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and is amended by Schedule 1 to the [Child Maintenance Act \(Northern Ireland\) 2008 \(c. 10 \(N.I.\)\)](#).

Deductions

2.—(1) Subject to the following provisions of this paragraph and to paragraph 5, the Department may deduct from any specified benefit awarded to a beneficiary, an amount equal to the amount of maintenance and any fee which is payable by the beneficiary and pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the liability to pay maintenance, and retain any amount deducted in discharge of any liability to pay a fee.

(2) A deduction for maintenance and fees may only be made from one specified benefit in respect of the same period.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, SCHEDULE 6. (See end of Document for details)

(3) No amount may be deducted under this Schedule from any employment and support allowance or any jobseeker's allowance awarded to the claimant if that would reduce the amount of the benefit payable to the claimant to less than 10 pence.

(4) No amount may be deducted under this Schedule from any universal credit awarded to the claimant if that would reduce the amount payable to the claimant to less than one penny.

Arrears

3.—(1) ^{F3}... The Department may deduct the sum of [^{F4}£8.40] per week from any employment and support allowance [^{F5}, jobseeker’s allowance or universal credit] which the beneficiary has been awarded and ^{F6}... pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the beneficiary's liability to pay arrears of maintenance, and retain any amount deducted in discharge of any liability to pay a fee.

[^{F7}(1A) No deduction may be made under sub-paragraph (1) if the beneficiary is liable to pay maintenance.]

^{F8}(2)

(3) In sub-paragraph (1) “maintenance” means child support maintenance as defined by Article 4(6) of the Child Support Order ^{M3} whether before or after the amendment of that paragraph by section 1(2)(a) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, and includes maintenance payable at a transitional rate in accordance with regulations made under section 28(2)(a) of that Act.

Textual Amendments

- F3** Words in Sch. 6 para. 3(1) omitted (10.12.2019) by virtue of [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(i)(aa)**
- F4** Sum in Sch. 6 para. 3(1) substituted (10.12.2019) by [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(i)(bb)**
- F5** Words in Sch. 6 para. 3(1) substituted (10.12.2019) by [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(i)(dd)**
- F6** Words in Sch. 6 para. 3(1) omitted (10.12.2019) by virtue of [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(i)(cc)**
- F7** Sch. 6 para. 3(1A) inserted (10.12.2019) by [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(ii)**
- F8** Sch. 6 para. 3(2) omitted (10.12.2019) by virtue of [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(iii)**

Marginal Citations

- M3** Article 4(6) is amended by section 1(2)(a) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000.

Apportionment

4. Where maintenance is payable to more than one person with care, the amount deducted in respect of maintenance must be apportioned between the persons with care in accordance with paragraphs 6, 7 and 8 of Schedule 1 to the Child Support Order ^{M4} (maintenance assessments).

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, SCHEDULE 6. (See end of Document for details)

Marginal Citations

M4 Paragraphs 6, 7 and 8 of Schedule 1 were substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and amended by paragraphs 4(c), 6 and 7 of Schedule 1 and paragraph 1(25) of Schedule 4 to the [Child Maintenance Act \(Northern Ireland\) 2008 \(c. 10\)](#).

Flat rate maintenance

5.—(1) This paragraph applies where the beneficiary and that person's partner are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the Child Support Order and either of them has been awarded universal credit (whether as a single claimant or as joint claimants).

(2) Where this paragraph applies, an amount not exceeding an amount equal to the flat rate of maintenance and any fee may be deducted from such an award in respect of the total liability of both partners to pay maintenance and any fee, in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001 ^{M5} (flat rate) or regulation 43(3) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 ^{M6} (flat rate) and must be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance or retained in discharge of any liability to pay a fee.

Marginal Citations

M5 S.R. 2001 No. 18.

M6 S.R. 2012 No. 427.

Notice

6. Where the Department commences making deductions under this Schedule, the Department must notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is made and must give further such notice when there is a change to any of the particulars specified in the notice.

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, SCHEDULE 6.