

SCHEDULE

Regulation 51

SCHEDULE TO BE INSERTED INTO THE NORTHERN IRELAND
REGULATIONS AS SCHEDULE 1A TO THOSE REGULATIONS

“SCHEDULE 1A

Regulation 2(1)

EXCHANGE OF LETTERS AMENDING THE MEMORANDUM OF
ARRANGEMENTS RELATING TO THE PROVISION MADE FOR
CHILD SUPPORT MAINTENANCE IN THE UNITED KINGDOM

No. 1

THE SECRETARY OF STATE FOR SOCIAL SECURITY AND THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND

7th November 1995

Sir,

I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance between the Secretary of State for Social Security of the one part and the Department of Health and Social Services for Northern Ireland of the other part which came in to effect on 5 April 1993 (which in this letter is referred to as “the Principal Memorandum”) and to recent discussions between the Department of Social Security and the Department of Health and Social Services for Northern Ireland concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters.

I now have the honour to propose the following amendments to the Principal Memorandum:

After paragraph (4) of Article 5 there shall be inserted:—

“(5) Subject to paragraph (7), where an application for a maintenance assessment is made under the provisions for one territory in relation to an absent parent, a person treated as such, or an alleged absent parent who resides in the other territory, that application shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care resides.

(6) Subject to paragraph (7), where an application for a maintenance assessment is made under section 7 of the Act by a qualifying child, the application shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care of that child resides.

(7) Where paragraphs (5) and (6) apply, the determining authority shall, in determining the amount of child support maintenance to be fixed by any maintenance assessment, take into account in calculating that amount, any provisions which would otherwise have been applicable to that calculation had the assessment been made in accordance with the provision made for the other territory.”.

After Part 6 there shall be inserted the following Part:—

“PART 6A

PARENTAGE

12A. Where a person with care resides in one territory and an alleged parent who denies that he is one of the parents of a child in respect of whom an application for a maintenance assessment has been made resides in the other territory:—

Status: This is the original version (as it was originally made).

- (a) The person with care or the Secretary of State may apply for a declaration as to whether or not the alleged parent is one of the child's parents, under Article 28 of the Order;
- (b) The person with care or the Department of Health and Social Services may apply for such a declaration under section 27 of the Act; and
- (c) The Department of Health and Social Services may bring an action for declarator of parentage under the provisions of section 28 of the Act."

If the foregoing proposals are acceptable to you, I have the honour to propose that this letter and your reply to that effect shall constitute a Memorandum of Arrangements between us which shall come into effect on 21st January 1996.

Andrew Mitchell

For the Secretary of State for Social Security

No. 2

THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND TO THE SECRETARY OF STATE FOR SOCIAL SECURITY

8th November 1995

Sir

I refer to your letter of 7th November 1995 which reads as follows:

"I have the honour to refer to the Memorandum of Arrangements relating to the provision made for Child Support Maintenance between the Secretary of State for Social Security of the one part and the Department of Health and Social Services for Northern Ireland of the other part which came into effect on 5 April 1993 (which in this letter is referred to as "the Principal Memorandum") and to the recent discussions between the Department of Social Security and the Department of Health and Social Services for Northern Ireland concerning the need to amend the Principal Memorandum so as to make further provision in relation to child support matters."

I now have the honour to propose the following amendments to the Principal Memorandum:

After paragraph (4) of Article 5 there shall be inserted:—

"(5) Subject to paragraph (7), where an application for a maintenance assessment is made under the provisions for one territory in relation to an absent parent, a person treated as such, or an alleged absent parent, who resides in the other territory, that application shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care resides.

(6) Subject to paragraph (7), where an application for a maintenance assessment is made under section 7 of the Act by a qualifying child, the application shall be dealt with in, and in accordance with the provision made for, the territory in which the person with care of that child resides.

(7) Where paragraph (5) or (6) apply, the determining authority shall, in determining the amount of child support maintenance to be fixed by any maintenance assessment, take into account in calculating that amount, any provisions which would otherwise have been applicable to that calculation had the assessment been made in accordance with the provision made for the other territory."

After Part 6 there shall be inserted the following Part:—

**“PART 6A
PARENTAGE**

12A. Where a person with care resides in one territory and an alleged parent who denies that he is one of the parents of a child in respect of whom an application for a maintenance assessment has been made resides in the other territory:—

- (a) The person with care or the Secretary of State may apply for a declaration as to whether or not the alleged parent is one of the child’s parents, under Article 28 of the Order;
- (b) The person with care or the Department of Health and Social Services may apply for such a declaration under section 27 of the Act; and
- (c) The Department of Health and Social Services may bring an action for declarator of parentage under the provisions of section 28 of the Act.”.

I have the honour to confirm that the foregoing proposals are acceptable to the Department of Health and Social Services for Northern Ireland and agree that your letter and this reply shall constitute a Memorandum of Arrangements between us which shall come into effect on 21st January 1996.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on the 8th day of November 1995.

F. A. Elliott

Permanent Secretary.”