

Regulations made by the Department for Social Development and laid before the Assembly under Article 48(2) of the Child Support (Northern Ireland) Order 1991 for approval of the Assembly before the expiration of six months from the date of their coming into operation

STATUTORY RULES OF NORTHERN IRELAND

2012 No. 428

FAMILY LAW

CHILD SUPPORT

The Child Support Maintenance (Changes to Basic Rate Calculation and Minimum Amount of Liability) Regulations (Northern Ireland) 2012

Made - - - - 3rd December 2012

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by paragraph 10A(1) of Schedule 1 to the Child Support (Northern Ireland) Order 1991(a), and now vested in it(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support Maintenance (Changes to Basic Rate Calculation and Minimum Amount of Liability) Regulations (Northern Ireland) 2012 and shall come into operation as follows—

- (a) this regulation, on the day on which paragraph 3 of Schedule 1 to the Act comes into operation for the first time;
- (b) regulation 2, in relation to a particular case, on the day on which paragraph 3 of Schedule 1 to the Act comes into operation in relation to that type of case, immediately after that paragraph comes into operation; and
- (c) regulation 3, in relation to a particular case, on the day on which paragraph 5 of Schedule 1 to the Act comes into operation in relation to that type of case, immediately after that paragraph comes into operation.

(2) In these Regulations—

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

“the Child Support Order” means the Child Support (Northern Ireland) Order 1991.

(a) S.I. 1991/2628 (N.I. 23); Part 1 of Schedule 1 is substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)), and paragraph 10A is amended by paragraph 1(26) of Schedule 4 to the Child Maintenance Act (Northern Ireland) 2008 (c. 10 (N.I.))

(b) See Article 8(b) of S.R. 1999 No. 481

(c) 2008 c. 10 (N.I.)

Change to calculation of the basic rate

2. Paragraph 2(3) of Schedule 1 to the Child Support Order(a) shall have effect as if for “12%”, “16%” and “19%” there were substituted “11%”, “14%” and “16%” respectively.

Minimum amount of liability where non-resident parent party to other maintenance arrangement

3. Paragraph 5A(2) of Schedule 1 to the Child Support Order(b) shall have effect as if for “£7” there were substituted “£5”.

Sealed with the Official Seal of the Department for Social Development on 3rd December 2012

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

(a) Paragraph 2 is substituted by paragraph 3 of Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008
(b) Paragraph 5A is inserted by paragraph 5 of Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify provisions in Schedule 1 to the Child Support (Northern Ireland) Order 1991 (“the Order”) relating to the calculation of the basic rate of maintenance and the minimum amount of liability where the non-resident parent is party to another maintenance arrangement.

Under paragraph 2 of Schedule 1 to the Order, as substituted by paragraph 3 of Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008 (“the Act”), the basic rate is a percentage of the non-resident parent’s gross weekly income. For the purposes of this calculation, paragraph 2(3) provides that, where the non-resident parent has one or more relevant other children, the non-resident parent’s gross weekly income is treated as reduced by a given percentage.

Regulation 2 provides that, where paragraph 3 of Schedule 1 to the Act comes into operation in relation to a particular case, paragraph 2(3) of Schedule 1 to the Order is to have effect in relation to that case as if for 12%, 16% and 19% there were substituted 11%, 14% and 16% respectively.

Under paragraph 4 of Schedule 1 to the Order, the flat rate of maintenance is £5 a week and, under other provisions of Schedule 1, the minimum amount of liability for various purposes is also £5 a week.

Paragraph 5A of Schedule 1 to the Order (which is inserted by paragraph 5 of Schedule 1 to the Act), provides that where a non-resident parent is party to another maintenance agreement, the minimum amount of liability is £7 a week (however, it is proposed that, on the initial commencement of paragraph 5 of Schedule 1, the flat rate maintenance and the minimum amount of liability will be £5 a week).

Regulation 3 provides that, where paragraph 5 of Schedule 1 to the Act comes into operation in relation to a particular case, paragraph 5A(2) of Schedule 1 to the Order is to have effect in relation to that case as if for £7 there were substituted £5. The net effect is that the minimum amount of liability in paragraph 5A will initially be £5 a week.

Paragraph 10A(1) of Schedule 1 to the Order, the enabling provision under which these Regulations are made, is amended by paragraph 1(26) of Schedule 4 to the Act which is brought into operation on 3rd December 2012 by virtue of the Child Maintenance (2008 Act) (Commencement No. 9) Order (Northern Ireland) 2012 (S.R. 2012 No. 423 (C. 43)).

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