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STATUTORY INSTRUMENTS

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**2014 No. 1423**

**FAMILY LAW**

**CHILD SUPPORT**

**The Child Support (Northern Ireland Reciprocal Arrangements) Amendment Regulations 2014**

<i>Made</i>	- - - -	<i>3rd June 2014</i>
<i>Laid before the House of Commons</i>	- - - -	<i>9th June 2014</i>
<i>Coming into force</i>	- -	<i>30th June 2014</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by section 87(4) and (9) of the Northern Ireland Act 1998(1), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Child Support (Northern Ireland Reciprocal Arrangements) Amendment Regulations 2014 and shall come into force on 30th June 2014.

**Amendment of the Northern Ireland Regulations**

2. (1) The Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993(2) are amended as follows.

(2) In regulation 2(1), for “1A, 1B and 1C” substitute “1A, 1B, 1C and 1D”.

(3) After Schedule 1C (Exchange of Letters) insert Schedule 1D as set out in the Schedule to these Regulations.

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(1) 1998 c.47.

(2) S.I.1993/584; amending instruments are S.I. 1995/3261, 2002/771 and 2012/2380.

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**Status:** This is the original version (as it was originally made).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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Signed by authority for the Secretary of State for Work and Pensions

3rd June 2014

*Steve Webb*  
Minister of State  
Department of Work and Pensions

SCHEDULE 1

Regulation 2(3)

SCHEDULE TO BE INSERTED INTO THE CHILD SUPPORT (NORTHERN IRELAND RECIPROCAL ARRANGEMENTS) REGULATIONS 1993

“SCHEDULE 1D

Regulation 2(1)

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

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- (ii) any application fee payable under regulation 3(1) of the Child Support Fees Regulations 2014(a) has been paid or waived in accordance with those Regulations,
  - (iii) the Secretary of State has ascertained and verified the address of the non-resident parent in relation to the application, and
  - (iv) where the application is one to which paragraph (8A) or (8B) applies, the condition in that paragraph is satisfied; or
- (b) where the applicant resides in Northern Ireland—
- (i) the application is taken to have been made for the purposes of regulation 9(2) (applications under Article 7) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(b),
  - (ii) the Department has ascertained and verified the address of the non-resident parent in relation to the application, and
  - (iii) where the application is one to which paragraph (8A) or (8B) applies, the condition in that paragraph is satisfied,
- from which point the case shall be dealt with in, and in accordance with the provision made for, the territory in which the non-resident parent in relation to the application resides.”;
- (b) after paragraph (8), insert—
- “ (8A) Where there is an existing case related to the application, in relation to which the interested parties are required, as a result of the application, to choose whether or not to stay in the statutory scheme (under Schedule 5 to the 2008 Act(c) or Schedule 2 to the Child Maintenance Act (Northern Ireland) 2008(d)), the condition is that any liability end date in relation to that existing case must have passed.
- (8B) Where the applicant has chosen to remain in the statutory scheme, in response to being required to choose in an existing case whether or not to stay in the statutory scheme (under Schedule 5 to the 2008 Act or Schedule 2 to the Child Maintenance Act (Northern Ireland) 2008), the condition is that the liability end date in relation to that existing case must have passed
- (8C) For the purposes of paragraph (8A), an existing case is related to an application if—
- (a) the non-resident parent in relation to that application is also the non-resident parent in relation to the existing case and the person with care in relation to that application is not the person with care in relation to the existing case, or
  - (b) the non-resident parent in relation to that application is a partner of a non-resident parent in relation to the existing case and either or both are in receipt of a benefit prescribed by regulations made under paragraph 4(1)(c) (flat rate) of Schedule 1 to the Act(e) or paragraph 4(1)(c) (flat rate) of Schedule 1 to the Order(f).
- (8D) For the purposes of paragraphs (8) and (8C), a non-resident parent includes a person who is treated as or alleged to be a non-resident parent.”;

(a) S.I. 2014/612.

(b) S.R. 2012 No. 427.

(c) Schedule 5 was amended by section 136 of the Welfare Reform Act 2012.

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

(e) The substitution of Part 1 of Schedule 1 to the Act by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act 2000 (c.19) was partially commenced for the types of cases specified in article 3 of the Child Support, Pensions and Social Security Act 2000 (Commencement No.12) Order 2003 (S.I. 2003/192).

(f) The substitution of Part 1 of Schedule 1 to the Order by section 1(3) of, and Schedule 1 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c.4 (N.I.)) was partially commenced for the types of cases specified in Article 3 of the Child Support, Pensions and Social Security (2000 Act)(Commencement No 9) Order (Northern Ireland) 2003 (S.R. 2003 No. 53).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations give effect in Great Britain to amendments made to reciprocal arrangements relating to matters for which provision is made by the Child Support Act 1991 and, in Northern Ireland, by the Child Support (Northern Ireland) Order 1991.

These amendments make provision so that, where the 2012 calculation rules apply to a child support case, the case will be dealt with in and under the provision of the territory in which the applicant resides until certain requirements are met. In all cases, the requirements are that: the application is taken to have been made; the address of the non-resident parent in relation to that application has been ascertained and verified; and, where the applicant resides in Great Britain, any application fee must have been paid or waived. An additional requirement must be satisfied in two scenarios. Firstly, where there is an existing case (that is a 1993 or 2003 scheme case) linked to the new application, any liability end date must have passed (that is, the date determined as the date beyond which no further liability accrues in relation to the existing case in accordance with regulations made in the relevant territory). Secondly, where the application is a choice to remain in the statutory scheme, made following the parties in an existing case being required to choose whether or not to remain in the statutory scheme, the liability end date must have passed. Where these requirements are met and the non-resident parent resides in a different jurisdiction from the applicant, the case will be transferred to the territory in which the non-resident parent resides and the provisions applying in that territory will apply.

The amendments are contained in the Exchange of Letters between the Minister of State for the Department for Work and Pensions and the Minister for Social Development set out in the Schedule to the Regulations.

An impact assessment has not been published for this instrument as it has no impact on the private sector or civil society organisations.