EXPLANATORY MEMORANDUM TO

THE CHILD SUPPORT (AMENDMENTS RELATING TO INFORMATION) REGULATIONS (NORTHERN IRELAND) 2022

S.R. 2022 No. 177

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly.

These Regulations are made under Article 16(1) of the Child Support (Northern Ireland) Order 1991.

2. Purpose

2.1. This instrument adds trustees, managers or administrators of personal pension schemes, the Motor Insurer's Bureau (or its officers) and persons engaged in investment management or share trading activities to the persons required to provide information, or evidence, at the request of the Child Maintenance Service ("CMS") for the purpose of their functions under the Child Support (Northern Ireland) Order 1991.

3. Background

Legislative Context

3.1. Current legislation does not include any provisions for trustees, managers or administrators of personal pension schemes, the Motor Insurer's Bureau (or its officers) and persons engaged in investment management or share trading activities as persons required to furnish information or evidence required by the Department for the purpose of the Department's functions under the Child Support (Northern Ireland) Order 1991.

3.2. This instrument amends the Child Support Information Regulations (Northern Ireland) 2008 ("the 2008 Regulations") to add trustees, managers or administrators of personal pension schemes, the Motor Insurer's Bureau (or its officers) and persons engaged in investment management or share trading activities to the persons required to provide information, or evidence, at the request of CMS for the purpose of their functions under the Child Support (Northern Ireland) Order 1991.

Policy Background

3.3. Child Maintenance legislation is based on the general principle that all parents take financial responsibility for all of their children. The main objective of child maintenance legislation is to maximise the number of effective maintenance arrangements for children who live apart from one or both of their parents. The

CMS continuously strives to modernise and improve services to both parents and thus legislative amendments are being made to support this aspiration.

4. Consultation

4.1. A public consultation was carried out by the Department for Work and Pensions (DWP), "Child Maintenance: modernising and improving our service" on GOV.UK between 18th June and 6th August 2021. The consultation invited comments about extending the 2008 Regulations to cover additional organisations.

4.2. Extending the 2008 Regulations to cover additional organisations was generally welcomed by respondents. Respondents felt this would prove an effective power but advocated exercising caution in the use and storage of the data in relation to data protection obligations.

4.3. Data collection and retention processes will comply with the UK General Data Protection Regulations (Retained Regulation EU 2016/679), and the Data Protection Act 2018.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for these Regulations and concluded that they do not have significant implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. There is no, or no significant, impact on business, charities or voluntary bodies or on the public sector.

7. Financial Implications

7.1. The amendments made by this set of Regulations will generate savings associated with fraud identification and prevention.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that these Regulations:

a) are not incompatible with any of the Convention rights;

b) are not incompatible with Community law;

c) do not discriminate against a person or class of person on the ground of religious belief or political opinion; and

d) do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Replicatory measure can be found in regulation 10 of the Great Britain Regulations: the Child Support (Amendments Relating to Electronic Communications and Information) (England and Wales and Scotland) Regulations 2022 (S.I. 2022/503).

10.2. In line with the long-standing policy of parity in social security, the Child Support (Amendments Relating to Information) Regulations (Northern Ireland) 2022 will come into operation on 26th May 2022. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.

11. Additional Information

11.1. Not applicable.