EXPLANATORY MEMORANDUM

THE CHILD SUPPORT (GREAT BRITAIN RECIPROCAL ARRANGEMENTS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2012

S.R. 2012 No. 374

1. Introduction

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

1.2 The Statutory Rule is made under sections 87(5) and (10) of the Northern Ireland Act 1998 and is subject to the negative resolution procedure.

2. Purpose

2.1 These Regulations amend the basis for deciding the territory which should administer a case where the parents live in different territories. The amendment made under these Regulations means that the case is administered by the jurisdiction in which the parent who lives apart from the qualifying child resides.

3. Background

3.1 The current Memorandum of Arrangements includes a provision for administering a case where the primary carer of a qualifying child ("the person with care") and the non-resident parent live in different jurisdictions. In such cases the case will be dealt with by the jurisdiction in which the person with care resides.

3.2 These Regulations change the arrangement so that, for cases subject to new scheme calculation rules, such a case would be dealt with by the jurisdiction in which a non-resident parent resides.

3.3 There are very few cases where parents live in different jurisdictions. Where a case is administratively handled has no impact on the amount of child maintenance payable, since both jurisdictions have the same calculation rules.

4. Consultation

4.1 There is no requirement to consult regarding proposals for these Regulations.

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 These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

7. Financial Implications

7.1 The Regulations do not have any financial implications.

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 the Rule—

(a) is not incompatible with any of the Convention rights,

(b) is not incompatible with Community law,

(c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and

(d) does 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 The corresponding Great Britain Regulations are the Child Support (Northern Ireland Reciprocal Arangements) Amendment Regulations 2012 and come into force on 29th October 2012. 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.