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Report Stage: Friday 3 March 2023

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## Child Support Collection (Domestic Abuse) Bill (Amendment Paper)

This document lists all amendments tabled to the Child Support Collection (Domestic Abuse) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Speaker's provisional selection and grouping, which sets out the order in which the amendments will be debated.

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Sally-Ann Hart

NC1

Mims Davies

To move the following Clause—

**“Collection of maintenance in Northern Ireland: cases involving domestic abuse**

- (1) The Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23)) is amended as follows.
- (2) In Article 7 (child support maintenance)—
  - (a) after paragraph (3) insert—

“(3A) Where a maintenance calculation has been made in response to an application under this Article, the Department may, if the person with care or the non-resident parent applies to the Department under this paragraph, arrange for the collection of the child support maintenance payable in accordance with the calculation if satisfied on the basis of evidence of a prescribed kind relating to relevant abusive behaviour that it is appropriate for such arrangements to be made.

(3B) For the purposes of paragraph (3A), “relevant abusive behaviour” means—

- (a) where the application under paragraph (3A) is made by the person with care, behaviour of the non-resident parent that is abusive of the person with care or of any

- child living in the same household with the person with care;
- (b) where the application under paragraph (3A) is made by the non-resident parent, behaviour of the person with care that is abusive of the non-resident parent or of any child living in the same household with the non-resident parent.
- (3C) What amounts to abusive behaviour for the purposes of paragraph (3B) is to be construed in the same way as is provided for in Chapter 1 of Part 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c.2 (N.I.)) (see sections 2, 3(2) and 4 of that Act).";
- (b) in paragraph (4) (purposes for which regulations may require information to be provided)—
- (i) omit the "and" after sub-paragraph (b);
- (ii) after sub-paragraph (c) insert "; and
- (d) the making by the Department of a determination for the purposes of paragraph (3A)."
- (3) In Article 29(1) (collection of child support maintenance)—
- (a) after "7(2A)" (as inserted by Article 127(3) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))) insert "and (3A)";
- (b) after "7(2)" insert "or (3A)".
- (4) In Article 48(2)(a) (regulations to be laid before Assembly after being made), before "9(1)" insert "7(3A),"."

#### Member's explanatory statement

This new clause makes amendments to the Child Support (Northern Ireland) Order 1991 that correspond to those clause 1 of the Bill makes to the Child Support Act 1991 in respect of England and Wales and Scotland.

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**Sally-Ann Hart**

1

Mims Davies

Clause 4, page 3, line 15, leave out "and Scotland" and insert ", Scotland and Northern Ireland"

#### Member's explanatory statement

This amendment is consequential on NC1.

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**Sally-Ann Hart**

2

Mims Davies

Clause 4, page 3, line 16, after "(4)" insert ", (4A)"

**Member's explanatory statement**

This amendment is consequential on Amendment 3.

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**Sally-Ann Hart**

3

Mims Davies

Clause 4, page 3, line 20, at end insert—

“(4A) Section (*Collection of maintenance in Northern Ireland: cases involving domestic abuse*) comes into force at the same time as Article 127(2)(b) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)).”

**Member's explanatory statement**

This amendment provides for NC1 to come into force at the same time as amendments made by the Welfare Reform (Northern Ireland) Order 2015 to the Child Support (Northern Ireland) Order 1991.

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**Sally-Ann Hart**

4

Mims Davies

Clause 4, page 3, line 24, at end insert—

“(6A) The Department for Communities in Northern Ireland may by regulations make transitional or saving provision in connection with the coming into force of section (*Collection of maintenance in Northern Ireland: cases involving domestic abuse*).

(6B) The power to make regulations under subsection (6A) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).”

**Member's explanatory statement**

This amendment enables the Department for Communities in Northern Ireland to make transitional or saving provision in respect of Northern Ireland corresponding to that which may be made by the Secretary of State in respect of England, Wales and Scotland.