



Northern Ireland
Assembly

Committee for Communities

Report on the Child Support Enforcement Bill

This report is the property of the Committee for Communities. Neither the report nor its contents should be disclosed to any person unless such disclosure is authorised by the Committee.

Ordered by the Committee for Communities to be published 28 November 2024

Report: NIA 51/22-27 Committee for Communities

Contents

Powers and Membership	3
List of Abbreviations and Acronyms used in this Report	5
Executive Summary	6
Introduction	8
Context and Overview of the Bill	10
Committee Recommendations and Consideration of Wider Issues	13
Consideration of the Bill	17
Committee Deliberations on the Bill	22
Clause by Clause Scrutiny of the Bill	27
Links to Appendices	29
Appendix 1: Memoranda and Papers from the Department for Communities	29
Appendix 2: Minutes of Proceedings.....	29
Appendix 3: Minutes of Evidence.....	29
Appendix 4: Research Papers	29
Appendix 5: List of Witnesses that gave evidence to the Committee.....	29

Powers and Membership

Powers

The Committee for Communities is a Statutory Departmental Committee established in accordance with Paragraphs 8 and 9 of Strand One of the Belfast Agreement and under Assembly Standing Order No 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department for Communities and has a role in the initiation of legislation.

The Committee has power to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee Stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports; and
- consider and advise on matters brought to the Committee by the Minister of Communities.

Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Colm Gildernew MLA (Chairperson)
- Ciara Ferguson MLA (Deputy Chairperson)
- Andy Allen MBE MLA
- Kellie Armstrong MLA
- Maurice Bradley MLA
- Brian Kingston MLA
- Sian Mulholland MLA
- Daniel McCrossan MLA
- Maolíosa McHugh MLA

List of Abbreviations and Acronyms

used in this Report

CMS	Child Maintenance Service
DfC	Department for Communities
DWP	Department for Work and Pensions
EFM	Explanatory and Financial Memorandum
EJO	Enforcement of Judgments Office
DEO	Deduction from Earnings Order
DO	Deduction Order
NRP	Non-Resident Parent
PWC	Parent with Care
RaISe	Research and Information Service

Executive Summary

1. This report sets out the Committee for Communities' consideration of the Child Support Enforcement Bill.
2. The Child Support Enforcement Bill was introduced to the Northern Ireland Assembly on 17 June 2024 and was referred to the Committee for Communities for consideration after Second Stage, which took place on 25 June 2024.
3. The purpose of the Bill, which contains two clauses and one schedule, is to make provision for the Department for Communities to make administrative liability orders which will replace the current court-based liability order process. The Bill also contains provisions to require the Department to make regulations in respect of the right to appeal to a court against the making of such an order.
4. The Committee requested evidence from relevant organisations as well as the Department of Communities as part of its deliberations on the Bill.
5. The Committee received only one incomplete response to its consultation, which ran from 27 June to 4 October 2024. The Committee subsequently pursued a targeted approach to seek views in person or in writing from appropriate stakeholders; however, no substantive responses were received. The Committee held oral evidence sessions and explored issues with Department of Communities officials both in writing and in oral briefings. The Committee considered the provisions of the Bill at several meetings.

6. At its meeting on 21 November 2024 the Committee undertook its formal clause-by-clause consideration and agreed the Clauses as outlined in the formal clause-by-clause agreement section of this report.
7. The Committee did, however, consider wider and longer-term issues and made recommendations in that regard pertaining to communication and review of the legislation's implementation.
8. After considering evidence, deliberating on the associated issues, taking advice from the Assembly Bill Office and Research Service, querying a number of issues and seeking clarifications with Departmental Officials, the Committee agreed to the Bill as drafted.
9. The Committee enjoyed a productive working relationship throughout the Committee Stage with the Department for Communities' Officials, the Minister, the Assembly's Bill Office, RaISe and the Assembly Secretariat.

Introduction

10. The Child Support Enforcement Bill (NIA Bill 05/22-27) was referred to the Committee in accordance with Standing Order 33 on completion of the Second Stage of the Bill on 25 June 2024.
11. The Minister for Communities made the following statement under Section 9 of the Northern Ireland Act 1998: "In my view the Child Support Enforcement Bill would be within the legislative competence of the Northern Ireland Assembly."
12. The stated purpose of the Bill is to make provision for the Department for Communities to make administrative liability orders which will replace the current court-based liability order process. The Bill also contains provisions to require the Department to make regulations in respect of the right to appeal to a court against the making of such an order.
13. During the period covered by this Report, the Committee considered the Bill and related issues at several meetings. The relevant Minutes of Proceedings for these meetings are included at Appendix 2.
14. The Committee had before it the Child Support Enforcement Bill (NIA Bill 05/22-27) and the Explanatory and Financial Memorandum that accompanied the Bill. Following the introduction of the Bill on 17 June 2024, the Department for Communities launched a public consultation on 8 July 2024 which ran until 29 September 2024. One response was received to the Committee's consultation.
15. Correspondence received from the Department of Communities is included at Appendix 1.

16. The Committee commissioned the Northern Ireland Assembly Research and Information Service (RaISe) to provide research on the content and implications of the Bill. These papers are included at Appendix 4 and the Committee received an oral briefing from RaISe on 7 November 2024 which explored the provisions of the Bill (as introduced); provided comparisons with similar legislation in Great Britain; and identified issues for the Committee's further consideration.

17. After the Bill completed its Second Stage on 25 June 2024, the Committee arranged to take oral evidence on the Bill from relevant stakeholders and the Department. The Committee heard from the following:

- Department for Communities
- NI Assembly Research and Information Service

18. The Committee held discussions with Departmental Officials on the key issues of the Bill at its meeting on 7 November 2024. Committee deliberations on the clauses of the Bill were conducted at the meetings on 14 November 2024. The formal clause-by-clause scrutiny of the Bill was completed at the meeting on 21 November 2024. The relevant Minutes of Evidence of these meetings are included at Appendix 2.

Context and Overview of the Bill

19. This Bill makes provision for Northern Ireland corresponding to provisions of the Child Support (Enforcement) Act 2023 ("the 2023 Act") which was passed by the Westminster Parliament.
20. Although child maintenance is a devolved matter, in general Northern Ireland's child maintenance policy and legislation operate in line with corresponding provision in Great Britain in line with Section 87 of the Northern Ireland Act 1998. In effect there is a single child maintenance system and regulatory regime across the United Kingdom. Many child maintenance arrangements operating in Northern Ireland are UK-wide. Therefore, the Department states that it is highly desirable that the same provisions are in place in Northern Ireland to ensure parity across both jurisdictions.
21. The Child Maintenance Service (CMS) manages cases through one of two service types:
 - Direct Pay: where CMS calculates maintenance but payments are made directly between parents; and
 - Collect and Pay: where CMS both calculates and collects/distributes payments.
22. Under current legislation, where CMS administrative enforcement functions prove ineffective in collecting arrears, CMS is required to apply to the Magistrate's Court to obtain a liability order. The existing court-based process can take up to 22 weeks on average.

23. The Child Support Enforcement Bill aims to replace this court-based process with administrative liability orders that can be made directly by the Department. This is expected to reduce processing time to approximately 6 weeks while maintaining appropriate safeguards and appeal rights.

24. Key provisions of the Bill include:

- Enabling the Department to make administrative liability orders where a person has failed to pay child maintenance and either:
- A deduction from earnings order is inappropriate (e.g., person is not employed), or a deduction from earnings order has proved ineffective;
- Requiring regulations to be made giving a right of appeal to court against administrative liability orders;
- Making provision for the variation of liability orders where circumstances change; and
- Maintaining existing protections that prevent courts from questioning the underlying maintenance calculation during appeals.

25. The Bill contains two clauses and one schedule:

- Clause 1: Rules relating to liability orders
- Clause 2: Commencement and short title
- Schedule: Amendment of statutory provisions

26. The Department's consultation on the Bill ran from 8 July to 29 September 2024. Of the 12 responses received:

- 11 were in favour of introducing administrative liability orders;
 - 9 agreed with the proposed 7-day notice period (28 days for overseas cases);
 - 8 agreed with proposals for discharging orders in certain circumstances; and
 - 10 agreed with the proposed 21-day appeal window.
27. The Department noted that liability orders are used in a relatively small proportion of cases (approximately 2%) as a measure of last resort. In 2023/24, there were 218 liability order applications granted in Northern Ireland with a total value of £1,073,729.
28. The Department asserted in writing and in oral evidence that The Bill will have no immediate financial implications; that the Bill is compatible with the provisions of the Human Rights Act 1998; and that it had been successfully screened for equality impact, data protection impact, and rural needs impact.

Committee Recommendations and Consideration of Wider Issues

Context of the Recommendations

29. In making its recommendations, the Committee considered the wider context of the Bill and its potential impact on parents, children, and the effectiveness of the child maintenance system.

Recommendations Specific to the Bill:

Communication and Education

30. To maximise the effectiveness of the Bill, it is vital that all individuals, organisations and businesses affected are aware of the requirements under the new legislation when these come into force.
31. The Committee recommends that the Department develops and implements a communications strategy to ensure that paying parents, receiving parents, employers and relevant stakeholders fully understand the new administrative liability order process, their rights and responsibilities, and available support services.
32. The Committee notes that some consultation respondents expressed concern about the potential impact on vulnerable individuals, including those experiencing mental health difficulties. The Department confirmed that CMS staff are trained in suicide awareness and can provide direct referrals to support services including Lifeline.

33. The Committee recommends that the Department ensures specific guidance for vulnerable individuals and that CMS staff receive ongoing training to identify and support those who may be at risk.

Considerations related to Border Communities

34. Given Northern Ireland's unique position sharing a land border with another jurisdiction, the Committee sought assurance regarding cross-border enforceability of administrative liability orders.
35. The Committee recommends that the Department works with relevant authorities to ensure clear guidance is available on how administrative liability orders will operate in cross-border cases and maintains regular engagement with counterparts in other jurisdictions regarding enforcement.

Review and Evaluation

36. The Committee notes that the move from court-based to administrative liability orders represents a significant change in process, albeit one affecting a relatively small proportion of cases.
37. The Committee was particularly interested in the Department's assertion that the new process could reduce processing times from 22 weeks to approximately 6 weeks. Members also noted evidence from stakeholders regarding potential unintended consequences.
38. The Committee recommends that the Department:
- Establishes clear baseline data before implementation;
 - Monitors and records processing times for administrative liability orders;

- Tracks appeals and their outcomes;
- Reviews the implementation after 12 months of operation; and
- Reports back to the Committee with detailed findings.

Protection for Victims of Domestic Abuse

39. The Committee heard evidence regarding the particular challenges faced by victims and survivors of domestic abuse in accessing child maintenance. While administrative liability orders may help reduce opportunities for delay tactics, careful consideration must be given to safeguarding.
40. The Committee recommends that the Department:
- Regularly reviews and updates its domestic abuse policies and procedures in light of the new administrative process;
 - Ensures appropriate safeguards are in place to prevent the appeals process being used to perpetuate abuse; and
 - Considers how the Child Support Collection (Domestic Abuse) Act 2023 provisions that extend to Northern Ireland can be effectively integrated with the new administrative process.

Recommendations for Wider Reform

41. While outside the immediate scope of the Bill, the Committee identified several areas for potential future consideration.
42. The Committee recommends that the Department:

- Monitors developments in Great Britain regarding the review of child maintenance calculations and considers implications for Northern Ireland;
- Evaluates the potential impact of broader reforms proposed in the DWP consultation on improving collection and transfer of payments;
- Reviews the effectiveness of Direct Pay arrangements in Northern Ireland; and
- Considers how support for victims of domestic abuse could be further enhanced within the child maintenance system.

Consideration of the Bill

43. The Committee's consideration and deliberation on the clauses of the Bill was informed by the research, written and oral evidence it received. The Committee received only one incomplete response to its call for evidence. 12 responses were made to the Department's consultation, and these were reported orally to the Committee. At the time of printing, the Committee was awaiting the Department's formal analysis of its consultation exercise. The Committee had ongoing engagement with Departmental Officials throughout its consideration of the Bill and explored the issues raised in evidence during departmental oral evidence sessions and by correspondence.

44. A summary of the key evidence points raised with the Committee on each clause is set out below:

Clause 1: Rules relating to liability orders

45. Key issues raised in evidence in relation to Clause 1 were:

- The Bill corresponds to provisions in the Child Support (Enforcement) Act 2023, maintaining parity with Great Britain in line with Section 87 of the Northern Ireland Act 1998;
- The power to make administrative liability orders already exists under Section 17 of the Child Maintenance Act (Northern Ireland) 2008 but was never commenced. Departmental officials explained this was because processes and procedures were not in place at the time;

- Administrative liability orders will only be used where other enforcement methods (such as Deduction from Earnings Orders) are inappropriate or have proved ineffective;
- The Department confirmed that administrative orders will have the same legal standing and enforcement powers as current court-based orders;
- The proposal for a 7-day notice period (28 days for overseas cases) received broad support in consultation, though some respondents suggested longer periods might be needed;
- Departmental officials confirmed that notifications will primarily be made electronically through SMS or online accounts, with additional time allowed where postal notification is required;
- Stakeholders emphasized the importance of clear communication and guidance about the new process;
- The Department confirmed that CMS staff are trained in mental health awareness and can provide referrals to support services if paying parents indicate they are struggling;
- Cross-border enforceability was explored, with officials confirming that administrative orders will have the same status as court orders under reciprocal enforcement agreements;
- Some stakeholders expressed concern about the potential for appeals to be used to delay payment, though officials noted that timescales would be fixed and judicial discretion would apply once appeals are lodged;

- The Departmental consultation showed strong support (11 out of 12 respondents) for the introduction of administrative liability orders;
- Officials confirmed that the process would maintain appropriate safeguards while reducing processing time from 22 weeks to approximately 6 weeks;
- Stakeholders emphasized the need for clear guidance on circumstances where orders could be varied or discharged;
- The Department confirmed that liability orders would be discharged if maintenance calculations change or successful appeals are made against calculations;
- Some respondents suggested additional circumstances for discharge should be considered, such as cases involving social services or bereavement;
- Officials noted that administrative liability orders affect a small proportion of cases (approximately 2%) and are used as a last resort;
- The CMS confirmed that most cases are resolved through other enforcement methods, particularly Deduction from Earnings Orders.

Clause 2: Commencement and short title

46. Key issues raised in evidence in relation to Clause 2 were:

- The clause contains standard commencement powers and the short title;
- The Department confirmed that implementation is planned for May 2025, allowing time for necessary systems and training to be put in place;

- Officials indicated that secondary legislation would be required to implement the appeals process;
- The Department confirmed that regulations made under the Bill would be subject to Assembly scrutiny;
- Stakeholders emphasised the importance of adequate preparation time for implementation.

47. The Committee also explored several overarching themes during its scrutiny:

Human Rights and Appeals Process

48. The Committee sought assurance regarding human rights compliance, particularly concerning appeal rights. The Department confirmed that:

- The 21-day appeal window aligns with existing timeframes for similar enforcement measures;
- Appeals can be made directly to courts without requiring Departmental agreement;
- Courts will have appropriate powers to consider appeals while maintaining the principle that maintenance calculations cannot be questioned; and
- The provisions are compatible with the Human Rights Act 1998.

Implementation and Resources

49. On practical implementation matters:

- Officials confirmed that existing CMS staff who handle court-based orders will transition to managing administrative orders;
- The Department does not anticipate significant additional resource requirements;
- Training will be provided to ensure staff are equipped to handle the new process; and
- IT systems will be updated to accommodate the changes.

Safeguards and Protections

- The Committee explored protections for vulnerable individuals:
- The Department confirmed multiple safeguards including notice periods, appeal rights, and ability to discharge orders in certain circumstances;
- CMS staff are trained to identify vulnerability and provide appropriate support;
- The process maintains judicial oversight through the appeals system; and
- Clear guidance will be provided on circumstances where orders may be varied or discharged.

Committee Deliberations on the Bill

50. The Committee commenced its deliberations on the clauses of the Bill at its meeting on 7 November 2024, following comprehensive briefings from both the Research and Information Service (RaISe) and Departmental officials.

51. The Committee Chairperson informed Members that the deliberations on the Bill was their opportunity to comprehensively review with the Department any issues raised by stakeholders or by Committee Members. It was also the opportunity to seek clarification on how the Bill addressed these concerns and any additional action that the Department intended to take.

52. The deliberations on each clause commenced with a brief overview by the Departmental Officials of the intentions of the clause. The following information is a summary of the key points discussed and agreed during the deliberations.

Clause 1 - Rules relating to liability orders

53. At the meeting on 7 November, Departmental Officials explained that Clause 1 amends the Child Support (Northern Ireland) Order 1991 and the Child Maintenance Act (Northern Ireland) 2008 with respect to:

- Making and varying liability orders
- Appealing against liability orders

54. Members explored several key aspects of the clause with officials:

55. Regarding the robustness of administrative orders compared to court-based orders, officials confirmed that:

- Administrative liability orders will have exactly the same powers as court-based orders
- The only change is that the process will be handled in-house
- The orders will have the same legal standing and enforceability
- The same powers will be available through the Enforcement of Judgments Office

56. On the appeals process, officials clarified that:

- Paying parents will have 21 days to lodge an appeal with the court
- Appeals can be made directly to the court without going through CMS
- The court will determine the timeline and process once an appeal is lodged
- This maintains appropriate judicial oversight while streamlining the initial order process

57. Members sought assurance about protections for vulnerable individuals.

Officials confirmed:

- All CMS staff are trained to be suicide aware and aware of mental health issues
- Staff can make direct referrals to support services including Lifeline
- The Department has processes to signpost individuals to appropriate support organizations

- Administrative orders remain a last resort after other collection methods have been attempted

58. On cross-border enforceability, officials explained that:

- Many countries, including Ireland, have reciprocal enforcement agreements;
- Administrative orders will have the same status as current court-based orders under these agreements; and
- There will be no change to current cross-border enforcement arrangements.

59. Regarding implementation timelines, the Department indicated that:

- Secondary legislation would be brought forward following Royal Assent;
- Implementation is planned for May 2025;
- This allows time for necessary system changes and staff training; and
- It aligns with similar implementation timeframes in Great Britain.

60. Members explored the departmental consultation responses with officials, particularly noting:

- Strong support for administrative orders (11 out of 12 responses in favour);
- Mixed views on notice periods, though majority support for the proposed timeframes;
- Agreement on appeal window alignment with existing enforcement measures; and
- The importance of clear communication and guidance.

Clause 2 - Commencement and short title

61. Officials explained that Clause 2 contains standard provisions regarding commencement and the short title of the Bill.

62. The Committee sought clarification on:

- The timeline for implementation;
- Requirements for secondary legislation;
- Assembly scrutiny of regulations; and
- Resource implications.

63. Officials confirmed that:

- Implementation is planned for May 2025;
- Regulations will be subject to Assembly scrutiny;
- Existing staff will transition to handling administrative orders; and
- No significant additional resources are anticipated to be required.

64. The Committee also discussed broader issues raised during evidence sessions, including:

- The need for clear communication about the changes;
- Support for vulnerable individuals;
- Integration with other reforms to child maintenance; and
- Monitoring and evaluation of the new process.

Following these deliberations, the Committee was satisfied that the Bill's provisions were appropriate and that adequate safeguards would be in place.

Clause by Clause Scrutiny of the Bill

65. Having considered the written and oral evidence received on the Bill, the Committee undertook its formal Clause-by-Clause consideration at its meeting on 14 November 2024 — see Minutes of Proceedings in Appendix 2 and Minutes of Evidence in Appendix 3.
66. Information on the Committee's deliberations on the individual clauses in the Bill can be found in the previous section of this report.

Clause 1 - Rules relating to liability orders

67. The Committee considered Clause 1, which sets out amendments to the Child Support (Northern Ireland) Order 1991 and the Child Maintenance Act (Northern Ireland) 2008 regarding:
- Making and varying liability orders; and
 - Appealing against liability orders.
68. The Committee noted that this clause:
- Enables administrative liability orders to replace court-based orders;
 - Maintains appropriate safeguards and appeal rights;
 - Provides for regulations regarding variation of orders; and
 - Ensures orders have the same legal standing as current court orders.
69. Question put and agreed: "That the Committee is content with Clause 1 as drafted."

Clause 2 - Commencement and short title

70. The Committee considered Clause 2, which makes standard provision for commencement and the short title of the Bill.

71. Question put and agreed: "That the Committee is content with Clause 2 as drafted."

Schedule - Amendment of statutory provisions

72. The Committee considered the Schedule, which makes detailed amendments to the 1991 Order and 2008 Act to facilitate administrative liability orders and appeals.

73. Question put and agreed: "That the Committee is content with the Schedule as drafted."

Long Title

74. Question put and agreed: "That the Committee is content with the Long Title of the Bill."

Links to Appendices

Appendix 1: Memoranda and Papers from the Department for Communities

[View Memoranda and Papers supplied to the Committee by the Department](#)

Appendix 2: Minutes of Proceedings

[View Minutes of Proceedings of Committee meetings related to the report](#)

Appendix 3: Minutes of Evidence

[View Minutes of Evidence from evidence sessions related to the report are available](#)

Appendix 4: Research Papers

[View Research Papers produced by the Assembly's Research and Information Service \(RaISe\) in relation to the report](#)

Appendix 5: List of Witnesses that gave evidence to the Committee

Ros Agnew, Child Maintenance Service

Aoibheann Baker, Northern Ireland Assembly Bill Office

Eleanor Murphy, Northern Ireland Assembly Research and Information Service

John Noble, Department for Communities

Sinead Wylie, Department for Communities

You may re-use this publication (not including images or logos) free of charge in any format or medium, under the terms of the Open Northern Ireland Assembly Licence.

To find out more about this licence visit: <http://data.niassembly.gov.uk/license.aspx>

This Report can be made available in a range of formats including large print, Braille etc. For more information, please contact:

Committee for Communities

Emer Boyle

Northern Ireland Assembly

Parliament Buildings

Ballymiscaw

Stormont

Belfast BT4 3XX

Telephone: 028 90 521895

Email: Committee.Communities@niassembly.gov.uk

Twitter: @NIA_Communities
