
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the charging of fees by the Department in connection with the exercise of the Department's functions with regards to child support maintenance.

Regulation 3 provides that a collection fee is payable in a case where arrangements for collection are made by the Department. A collection fee is payable by both the non-resident parent and the person with care. The collection fee is only payable in a case where child support maintenance is calculated under the 2012 scheme and in respect of child support maintenance that has accrued since the coming into operation of Regulation 2.

The collection fee payable by a non-resident parent is normally 20% of the daily amount of child support maintenance that the non-resident parent is liable to pay. The collection fee payable by a person with care is 4% of the child support maintenance that is collected by the Department and which would otherwise be paid to that person.

Regulation 4 makes provision for the recovery of the collection fee. The collection fee payable by the non-resident parent may be recovered from any payment made by that non-resident parent to the Department. The collection fee payable by the person with care may be recovered from any payment of child support maintenance which would be otherwise paid to that person.

Regulation 6 makes provision for the payment of an enforcement fee by a non-resident parent where the Department makes a deduction from earnings order, a regular deduction order, a lump sum deduction order or an application for a liability order. An enforcement fee is only payable in a case where child support maintenance is calculated under the 2012 scheme.

Regulation 7 allows the Department to recover the enforcement fee from any payment made by the non-resident parent to the Department.

Regulation 8 prescribes circumstances in which an enforcement fee payable under regulation 6 may be waived.

Regulation 9 provides that the provisions of the Child Support (Northern Ireland) Order 1991 with respect to the collection and enforcement of child support maintenance shall apply to the collection and enforcement of fees payable under these Regulations with certain exceptions.

Regulation 10 makes supplemental amendments to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987. These amendments enable the Department to make deductions from prescribed benefits to include the collection fee payable under these Regulations by the non-resident parent.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.