

DRAFT STATUTORY INSTRUMENTS

2014 No.

The Child Support Fees Regulations 2014

PART 4

Enforcement fee

Interpretation of this Part

9. For the purposes of this Part—

“armed forces” means the naval, military and air forces of the Crown;

“child support maintenance” means child support maintenance calculated under Part 1 of Schedule 1 to the 1991 Act as amended by Schedule 4 to the 2008 Act;

“committed to operations” means deployed on an operational tour of duty and includes pre-operational training and leave, rest and recuperation during an operational tour of duty and post-operational leave;

“deduction from earnings order” means an order made under section 31(2) of the 1991 Act⁽¹⁾ and, with the exception of where it appears in regulation 12(4)(b) (waiver of an enforcement fee), includes a deduction from earnings request;

“deduction from earnings request” means a request from the Secretary of State in respect of a non-resident parent, who is a member of the armed forces and who is liable to pay child support maintenance, for a sum to be deducted from that non-resident parent’s pay and appropriated in or towards satisfaction of the non-resident parent’s obligation to pay child support maintenance;

“liability order” means an order made under section 33(3) of the 1991 Act;

“lump sum deduction order” means an order made under section 32E(1) of the 1991 Act⁽²⁾;

“regular deduction order” means an order made under section 32A(1) of the 1991 Act⁽³⁾.

The enforcement fee

10. An enforcement fee of an amount set out in column (2) of the table below is payable to the Secretary of State by a non-resident parent when the Secretary of State takes a method of enforcement action specified in column (1) of the table below to secure payment of child support maintenance.

<i>Column (1)</i>	<i>Column (2)</i>
<i>Enforcement Action</i>	<i>Fee payable</i>
(i) Making a deduction from earnings order	£50
(ii) Making a regular deduction order	£50

(1) Section 31(2) of the 1991 Act was amended by section 1(2) of the 2000 Act.

(2) Section 32E(1) of the 1991 Act was inserted by section 23 of the 2008 Act.

(3) Section 32A(1) of the 1991 Act was inserted by section 22 of the 2008 Act.

<i>Column (1)</i>	<i>Column (2)</i>
<i>Enforcement Action</i>	<i>Fee payable</i>
(iii) Making a lump sum deduction order	£200
(iv) Making an application for a liability order	£300

Recovery of an enforcement fee

11. An enforcement fee payable by a non-resident parent under regulation 10 (the enforcement fee) may be recovered by the Secretary of State from any payment made by that non-resident parent to the Secretary of State.

Waiver of an enforcement fee

12.—(1) An enforcement fee payable under regulation 10 may be waived in the circumstances specified in paragraphs (2) to (6).

(2) The circumstances specified in this paragraph are where an additional enforcement fee is payable with respect to concurrent or subsequent action of the same type taken by the Secretary of State in circumstances where—

- (a) the non-resident parent has more than one employer at the same time and the Secretary of State makes two or more deduction from earnings orders; or
- (b) the non-resident parent holds more than one account with a deposit-taker and the Secretary of State makes more than one regular deduction order or lump sum deduction order simultaneously.

(3) The circumstances specified in this paragraph are where an additional enforcement fee is payable with respect to action taken to make an additional deduction from earnings order or additional regular deduction order in circumstances where—

- (a) the non-resident parent has changed employer;
- (b) the non-resident parent has changed their account held with a deposit-taker; or
- (c) the amount being collected under a prior deduction from earnings order or a prior regular deduction order has changed.

(4) The circumstances specified in this paragraph are where—

- (a) an application for a liability order is made to a court, but no liability order results from the application;
- (b) a successful appeal or a successful challenge by way of judicial review has been made against the making of a deduction from earnings order, a regular deduction order or a lump sum deduction order; or
- (c) a deduction from earnings order, a regular deduction order or a lump sum deduction order has lapsed or been discharged due to an error or maladministration by the Secretary of State.

(5) The circumstances specified in this paragraph are where a non-resident parent elects to pay child support maintenance by way of a deduction from earnings order.

(6) The circumstances specified in this paragraph are where a deduction from earnings request is made when the non-resident parent to which it relates is committed to operations.