
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The Child Support (Miscellaneous
Amendments) Regulations 2018**

PART 3

**AMENDMENTS RELATING TO DEDUCTIONS
FROM JOINT AND BUSINESS ACCOUNTS**

Amendment of the Child Support (Collection and Enforcement) Regulations 1992

3.—(1) The Child Support (Collection and Enforcement) Regulations 1992⁽¹⁾ are amended as follows.

(2) In regulation 25A (interpretation of this Part)—

(a) in paragraph (1)—

(i) before the definition of “assessable income” insert—

““another account-holder” means an account-holder other than the liable person in a case where a regular deduction order or a lump sum deduction order is proposed or made in respect of a joint account”; and

after the definition of “gross weekly income”⁽²⁾ insert—

““joint account” includes an account used by a partnership⁽³⁾ formed in England or Wales, of which the liable person is a partner”;

(b) in paragraph (3)(b), after “liable person” insert “or (where the order is made in respect of a joint account) another account-holder”; and

(c) in paragraph (4), for “or a liable person” substitute “, a liable person or another account-holder”.

(3) After regulation 25A insert—

“Regular deduction order in respect of a joint account

25A1.—(1) Before making a regular deduction order in respect of a joint account the Secretary of State shall serve a notice containing the information set out in paragraph (2) and the further information set out in paragraph (3) or (4) (as appropriate).

(2) The information for each account-holder is—

(a) that the Secretary of State is proposing to make an order in respect of the account;

(b) the name of the liable person;

(c) the number and sort code of the account;

⁽¹⁾ [S.I. 1992/1989](#). Regulations 25A to 25AD were inserted by [S.I. 2009/1815](#).

⁽²⁾ The definition “gross weekly income” was inserted by [S.I. 2013/1517](#).

⁽³⁾ “Partnership” is defined in section 1 of the Partnership Act [1890 \(c. 39\)](#).

- (d) that the order would be made to secure the payment of child support maintenance payable by the liable person;
 - (e) the dates on which the Secretary of State is proposing to make deductions under the order;
 - (f) that each account-holder has an opportunity to make representations to the Secretary of State about the matters in sub-paragraphs (a) and (e);
 - (g) that the order is likely to be made in the terms set out in the notice if representations are not made; and
 - (h) the period for making representations.
- (3) The further information to the liable person is—
- (a) the amounts that the Secretary of State is proposing to deduct under the order in respect of arrears of child support maintenance payable under the calculation and amounts of child support maintenance which will become payable under the calculation;
 - (b) that the liable person has an opportunity to make representations to the Secretary of State about the matters in sub-paragraph (a);
 - (c) that the order is likely to be made in the terms set out in the notice if representations are not made; and
 - (d) the period for making representations.
- (4) The further information to another account-holder is—
- (a) the amounts that the Secretary of State is proposing to deduct under the order;
 - (b) that another account-holder has an opportunity to make representations to the Secretary of State about the matters in sub-paragraph (a);
 - (c) that the order is likely to be made in the terms set out in the notice if representations are not made; and
 - (d) the period for making representations.
- (5) The period for making representations to the Secretary of State in respect of the matters referred to in paragraphs (2)(a), (e) and (3)(a) or (4)(a) is—
- (a) 14 days, beginning with the day on which the account-holder receives the notice; or
 - (b) such longer period as the Secretary of State considers reasonable in the circumstances of the case.
- (6) A regular deduction order may not be made before the period for making representations has expired and the Secretary of State has considered any representations in respect of the matters referred to in paragraphs (2)(a), (e) and (3)(a) or (4)(a) made to the Secretary of State during that period.”
- (4) In regulation 25E (notification by the deposit-taker to the Secretary of State)—
- (a) in paragraph (1) omit “in writing”; and
 - (b) after paragraph (5) insert—
 - “(5A) The deposit-taker at which a regular deduction order is directed must within 7 days of changing the name of an account-holder, beginning with the day on which the deposit-taker changes that name, notify the Secretary of State of the old name of the account-holder and the new name of that account-holder, if the order—
 - (a) is made in respect of a joint account; and
 - (b) remains in force at any time within that 7 day period.”.

- (5) In regulation 25G (review of a regular deduction order)—
- (a) for paragraph (1) substitute—
- “(1) The following persons may apply to the Secretary of State for a review of a regular deduction order—
- (a) a deposit-taker at which the order is directed;
- (b) the liable person against whom the order is made; or
- (c) another account-holder (in the case of an order made in respect of a joint account).”; and
- (b) in paragraph (2)—
- (i) in sub-paragraph (a) for “the liable person or the deposit-taker” substitute “the liable person, the deposit-taker or another account-holder (in the case of an order made in respect of a joint account)”;
- (ii) at the beginning of sub-paragraph (b) insert “the applicant is the liable person and”;
- (iii) after sub-paragraph (e) omit “or”; and
- (iv) after sub-paragraph (f) insert—
- “(g) for a joint account, another account-holder satisfies the Secretary of State that the amount contributed by the liable person to the account specified in the order—
- (i) has decreased; or
- (ii) will decrease within a period of 3 months of the date on which the account-holder applied for a review of the order; or
- (h) for a joint account, another account-holder who did not make representations within the period for making representations under regulation 25A1(5), 25IA(3) or 25KA(3) both—
- (i) satisfies the Secretary of State that that account-holder had reasonable excuse for not making representations within that period; and
- (ii) applies for a review of the order within 3 months of the expiry of the period for making representations under regulation 25A1(5), 25IA(3) or 25KA(3).”.
- (6) In regulation 25I (variation of a regular deduction order)—
- (a) for paragraph (1) substitute—
- “(1) Subject to regulation 25IA, the Secretary of State may vary a regular deduction order by changing the amount to be deducted in the circumstances set out in paragraph (2).”; and
- (b) in paragraph (2)—
- (i) after sub-paragraph (c) omit “or”; and
- (ii) after sub-paragraph (d) insert—
- “; or
- (e) where the order is made in respect of a joint account, the amount contributed to the account by the liable person has changed or the Secretary of State has reason to believe that it will change within 3 months of the date on which the order is made or varied.”;
- (c) at the end of paragraph (3), insert “or the deduction dates”; and

(d) after paragraph (4) insert—

“(5) Paragraphs (2) and (4) of this regulation also apply to a regular deduction order made in respect of a joint account.”.

(7) After regulation 25I insert—

“Variation of a regular deduction order in respect of a joint account

25IA.—(1) Before varying a regular deduction order made in respect of a joint account—

- (a) to increase the amounts deducted; or
- (b) to vary the deduction dates,

the Secretary of State shall serve on each account-holder a notice containing the information set out in paragraph (2).

(2) The information is—

- (a) that listed in regulation 25A1(2)(b), (c), (e), (g), (h) and (3)(a) or (4)(a) (as appropriate);
- (b) that the Secretary of State is proposing to vary the order in respect of the joint account;
- (c) an explanation as to why the Secretary of State is proposing to vary the order; and
- (d) that the account-holder has an opportunity to make representations about the matters in sub-paragraph (b) and regulation 25A1(2)(e) and (3)(a) or (4)(a) (as appropriate).

(3) The period for making representations to the Secretary of State in respect of the matters referred to in paragraph (2)(b) and regulation 25A1(2)(e) and (3)(a) or (4)(a) (as appropriate) is—

- (a) 14 days, beginning with the day on which the account-holder receives the notice; or
- (b) such longer period as the Secretary of State considers reasonable in the circumstances of the case.

(4) The regular deduction order may not be varied before the period for making representations has expired and the Secretary of State has considered any representations in respect of the matters referred to in paragraph (2)(b) and regulation 25A1(2)(e) and (3)(a) or (4)(a) (as appropriate) made to the Secretary of State during that period.”.

(8) In regulation 25J (lapse of a regular deduction order)—

(a) in paragraph (2)—

- (i) after sub-paragraph (a) omit “or”; and
- (ii) after sub-paragraph (b) insert—

“; or

(c) the Secretary of State—

- (i) is satisfied that the liable person has ceased making contributions to the account; or
- (ii) has reason to believe that the liable person will cease making contributions to the account in the next deduction period.”; and

(b) after paragraph (4) insert—

“(5) This regulation applies to a regular deduction order whether or not made in respect of a joint account, except for paragraph (2)(c) which applies to a regular deduction order made in respect of a joint account only.”.

(9) In regulation 25K (revival of a regular deduction order) in paragraph (1)—

- (a) after sub-paragraph (a) omit “or”; and
 - (b) after sub-paragraph (b) insert—
 - “; or
 - (c) following the lapse of an order under regulation 25J(2)(c) the liable person has started making contributions to the account again.”.
- (10) After regulation 25K insert—

“Revival of a regular deduction order proposed in respect of a joint account

25KA.—(1) Before reviving a regular deduction order made in respect of a joint account, the Secretary of State shall serve on each account-holder a notice containing the information set out in paragraph (2).

(2) The information is—

- (a) that listed in regulation 25A1(2)(b), (c), (e), (g), (h) and (3)(a) or (4)(a) (as appropriate);
- (b) that the Secretary of State is proposing to revive the order in respect of the account;
- (c) an explanation as to why the Secretary of State is proposing to revive the order; and
- (d) that the account-holder has an opportunity to make representations about the matters in sub-paragraph (b) and regulation 25A1(2)(e) and (3)(a) or (4)(a) (as appropriate).

(3) The period for making representations to the Secretary of State in respect of the matters referred to in paragraph (2)(b) and regulation 25A1(2)(e) and (3)(a) or (4)(a) (as appropriate) is—

- (a) 14 days, beginning with the day on which the account-holder receives the notice; or
- (b) such longer period as the Secretary of State considers reasonable in the circumstances of the case.

(4) A regular deduction order may not be revived before the period for making representations has expired and the Secretary of State has considered any representations in respect of the matters referred to in paragraph (2)(b) and regulation 25A1(2)(e) and (3)(a) or (4)(a) (as appropriate) made to the Secretary of State during that period.”.

(11) In regulation 25L (discharge of a regular deduction order) in paragraph (1)—

(a) for sub-paragraph (f) substitute—

“(f) unless sub-paragraph (g) applies, a regular deduction order has lapsed under regulation 25J(2) and—

- (i) 6 months have passed beginning with the day the lapse took effect; or
- (ii) 6 months have passed beginning with the day the lapse took effect and during this period of time the Secretary of State has not served any notice under regulation 25KA.”;

(b) after sub-paragraph (g) omit “or”; and

(c) at the end of sub-paragraph (h) insert—

“; or

(i) the liable person is no longer an account-holder in relation to the account.”.

(12) For regulation 25M (period in which representations may be made) substitute—

“Period in which representations may be made

25M. Subject to regulation 25MA(3), where a lump sum deduction order has been made under section 32E(1) of the Act, the period for making representations to the Secretary of State in respect of the proposal specified in that order is 14 days, beginning with the day on which a copy of the order was served.”

(13) After regulation 25M insert—

“Notice where an interim lump sum deduction order has been made in respect of a joint account

25MA.—(1) Where the Secretary of State serves a copy of the interim order made in respect of a joint account on each account-holder, that order must be accompanied by a notice containing the information set out in paragraph (2).

(2) The information is—

- (a) the name of the liable person;
- (b) that the Secretary of State has made the interim order in respect of the account and is proposing to make a final order in respect of that account;
- (c) that an interim order or final order which specifies an account held with a deposit-taker shall operate as an instruction to the deposit-taker not to do anything that would reduce the amount standing to the credit of the account below the amount specified in the order (or, if already below that amount, that would further reduce it);
- (d) that the interim order has been made because the liable person is required to pay an amount of arrears of child support maintenance and the Secretary of State is seeking to secure the payment of some or all of that amount;
- (e) the earliest date proposed by the Secretary of State for paying the amount of arrears of child support maintenance secured under a final order;
- (f) that the account-holder has an opportunity to make representations about the proposal specified in the interim order;
- (g) that a final order is likely to be made in the terms set out in the notice if representations are not made; and
- (h) the period for making representations.

(3) The period for making representations to the Secretary of State in respect of the matters referred to in paragraph (2)(b), (d) and (e) is—

- (a) 28 days, beginning with the day on which the account-holder receives the notice; or
- (b) such longer period as the Secretary of State considers reasonable in the circumstances of the case.

(4) A final order may not be made before the period for making representations has expired and the Secretary of State has considered any representations in respect of the matters referred to in paragraph (2)(b), (d) and (e) made to the Secretary of State during that period.”.

(5) In this regulation—

“interim order” means an order under section 32E of the Act; and

“final order” means an order under section 32F of the Act.”.

(14) In regulation 25N (disapplication of sections 32G(1) and 32H(2)(b) of the Act)—

- (a) in paragraph (1) after sub-paragraph (a) insert—

- “(aa) another account-holder, another account-holder’s partner or a child in relation to whom another account-holder is a person with care⁽⁴⁾ is suffering hardship in meeting ordinary living expenses;”;
- (b) in paragraph (1)(b) after “liable person” insert “or another account-holder”;
- (c) in paragraph (1)(d) for “the liable person” substitute “either the liable person or another account-holder”; and
- (d) in paragraphs (2) and (3)(b) after “liable person” insert “, another account-holder”.
- (15) In regulation 25O (information) after paragraph (5) insert—
- “(5A) A deposit-taker at which a lump sum deduction order is directed must within 7 days of changing the name of an account-holder, beginning with the day on which the deposit-taker changes that name, notify the Secretary of State of the old name of the account-holder and the new name of that account-holder, if the order is—
- (a) made in respect of a joint account; and
- (b) in force at any time during that 7 day period.”.
- (16) In regulation 25U (discharge of a lump sum deduction order) in paragraph (1)—
- (a) after sub-paragraph (f) omit “or”; and
- (b) after sub-paragraph (g) insert—
- “; or
- (h) the liable person is no longer an account-holder in relation to the account.”.
- (17) In regulation 25X (accounts of a prescribed description) for paragraph (3) substitute—
- “(3) Paragraph (1)(b) does not apply where a regular deduction order or a lump sum deduction order is made in respect of an account which is used by—
- (a) the liable person as a sole trader; or
- (b) a partnership formed in England or Wales, of which the liable person is a partner.”.
- (18) After regulation 25X insert—

“Deduction orders in respect of joint accounts

25XA. A regular deduction order or a lump sum deduction order may be made in respect of a joint account which is held by the liable person and one or more other persons.

Sharing information with account-holders

25XB. Where the Secretary of State serves a notice on an account-holder under regulation 25A1, 25IA, 25KA or 25MA, that notice may be accompanied by such information about the liable person as the Secretary of State considers essential to enable the account-holder to make representations in respect of the proposal specified in the notice.

Information provided by a deposit-taker before the making of an order

25XC.—(1) Before making a regular deduction order or a lump sum deduction order in respect of a joint account, the Secretary of State may by way of notice require a deposit-taker to provide the information set out in paragraph (3) to the Secretary of State.

(2) The information required under paragraph (1) must be provided within 14 days, beginning with the day on which the Secretary of State’s notice was served on the deposit-taker.

(4) A “person with care” is defined in section 3(3) of the 1991 Act.

- (3) The information is—
- (a) the name of each account-holder;
 - (b) the residential address or the address for correspondence, if different, of each account-holder;
 - (c) the number and sort code of the account;
 - (d) the type of account;
 - (e) the amount standing to the credit of the account specified in the request; and
 - (f) details of any transactions on the account in the 6 month period before the Secretary of State’s notice was served on the deposit-taker.”.
- (19) In regulation 25AC (offences)—
- (a) in paragraph (a) for “regulation 25E(1) to (5)” substitute “regulation 25E(1) to (5A)”;
 - (b) in paragraph (c) for “regulation 25O(1) to (5)” substitute “regulation 25O(1) to (5A)”;
 - (c) after paragraph (d) omit “and”; and
 - (d) after paragraph (e) insert—
 - “;and
 - (f) regulation 25XC (information provided by a deposit-taker before the making of an order).”.
- (20) After regulation 25AD (Secretary of State to warn of consequences of failing to comply with an order or to provide information) insert—

“Review

- 25AE.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in regulations 25A to 25AD of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) The report must, in particular—
- (a) set out the objectives intended to be achieved by those provisions;
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate; and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (3) The first report under this regulation must be published before the end of the period of 5 years, beginning with the date on which the Child Support (Miscellaneous Amendments) Regulations 2018 come into force.
- (4) Subsequent reports under this regulation must be published at intervals not exceeding 5 years.
- (5) In this regulation, “regulatory provision” has the meaning given by section 32(4) of the Small Business, Enterprise and Employment Act 2015(5).”.