



Child Support Act 1991

1991 CHAPTER 48

^{F1}Voluntary payments

Textual Amendments

- F1** S. 28J and cross-heading inserted (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by *Child Support, Pensions and Social Security Act 2000* (c. 19), **ss. 20(1)**, 86(1)(a)(2) (with **ss. 28**, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 5

28J Voluntary payments.

- (1) This section applies where—
- (a) a person has applied for a maintenance calculation under section 4(1) or 7(1), or is treated as having applied for one by virtue of section 6;
 - (b) the Secretary of State has neither made a decision under section 11 or 12 on the application, nor decided not to make a maintenance calculation; and
 - (c) the non-resident parent makes a voluntary payment.
- (2) A “voluntary payment” is a payment—
- (a) on account of child support maintenance which the non-resident parent expects to become liable to pay following the determination of the application (whether or not the amount of the payment is based on any estimate of his potential liability which the Secretary of State has agreed to give); and
 - (b) made before the maintenance calculation has been notified to the non-resident parent or (as the case may be) before the Secretary of State has notified the non-resident parent that he has decided not to make a maintenance calculation.
- (3) In such circumstances and to such extent as may be prescribed—
- (a) the voluntary payment may be set off against arrears of child support maintenance which accrued by virtue of the maintenance calculation taking effect on a date earlier than that on which it was notified to the non-resident parent;

Status: Point in time view as at 03/03/2003.

Changes to legislation: Child Support Act 1991, Cross Heading: Voluntary payments is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the amount payable under a maintenance calculation may be adjusted to take account of the voluntary payment.
- (4) A voluntary payment shall be made to the Secretary of State unless he agrees, on such conditions as he may specify, that it may be made to the person with care, or to or through another person.
- (5) The Secretary of State may by regulations make provision as to voluntary payments, and the regulations may in particular—
 - (a) prescribe what payments or descriptions of payment are, or are not, to count as “voluntary payments”;
 - (b) prescribe the extent to which and circumstances in which a payment, or a payment of a prescribed description, counts.]

Status:

Point in time view as at 03/03/2003.

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