



Child Support Act 1991

1991 CHAPTER 48

Collection and enforcement

41 Arrears of child support maintenance.

- (1) This section applies where—
- (a) the Secretary of State is authorised under section 4, 6 or 7 to recover child support maintenance payable by an absent parent in accordance with a maintenance assessment; and
 - (b) the absent parent has failed to make one or more payments of child support maintenance due from him in accordance with that assessment.
- [^{F1}(2) Where the Secretary of State recovers any such arrears he may, in such circumstances as may be prescribed and to such extent as may be prescribed, retain them if he is satisfied that the amount of any benefit paid to or in respect of the person with care of the child or children in question would have been less had the absent parent made the payment or payments of child support maintenance in question.
- (2A) In determining for the purposes of subsection (2) whether the amount of any benefit paid would have been less at any time than the amount which was paid at that time, in a case where the maintenance assessment had effect from a date earlier than that on which it was made, the assessment shall be taken to have been in force at that time.]
- (3) In such circumstances as may be prescribed, the absent parent shall be liable to make such payments of interest with respect to the arrears of child support maintenance as may be prescribed.
- (4) The Secretary of State may by regulations make provision—
- (a) as to the rate of interest payable by virtue of subsection (3);
 - (b) as to the time at which, and person to whom, any such interest shall be payable;
 - (c) as to the circumstances in which, in a case where the Secretary of State has been acting under section 6, any such interest may be retained by him;
 - (d) for the Secretary of State, in a case where he has been acting under section 6 and in such circumstances as may be prescribed, to waive any such interest (or part of any such interest).

Status: Point in time view as at 01/10/1995. This version of this provision has been superseded.

Changes to legislation: Child Support Act 1991, Section 41 is up to date with all changes known to be in force on or before 05 June 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)

- (5) The provisions of this Act with respect to—
- (a) the collection of child support maintenance;
 - (b) the enforcement of any obligation to pay child support maintenance,
- shall apply equally to interest payable by virtue of this section.
- (6) Any sums retained by the Secretary of State by virtue of this section shall be paid by him into the Consolidated Fund.

Textual Amendments

- F1** S. 41(2)(2A) substituted for s. 41(2) (1.10.1995) by [Child Support Act 1995 \(c. 34\), s. 30\(4\), Sch. 3 para. 11](#); [S.I. 1995/2302, art. 2, Sch. Pt. 2](#)
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Commencement Information

- II** S. 41 wholly in force; s. 41 not in force at Royal Assent see s. 58(2); s. 41(2)-(4) in force at 17.6.1992 by [S.I. 1992/1431, art. 2, Sch.](#); s. 41 in force in so far as not already in force at 5.4.1993 by [S.I. 1992/2644, art. 2](#)

Status:

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