



Child Support Act 1991

1991 CHAPTER 48

Collection and enforcement

[^{F1}41D Power to accept part payment of arrears in full and final satisfaction

- (1) The [^{F2}Secretary of State] may, in relation to any arrears of child support maintenance, accept payment of part in satisfaction of liability for the whole.
- (2) The Secretary of State must by regulations make provision with respect to the exercise of the power under subsection (1).
- (3) The regulations must provide that unless one of the conditions in subsection (4) is satisfied the [^{F2}Secretary of State] may not exercise the power under subsection (1) without the appropriate consent.
- (4) The conditions are—
 - (a) that the [^{F3}Secretary of State] would be entitled to retain the whole of the arrears under section 41(2) if [^{F3}Secretary of State] recovered them;
 - (b) that the [^{F3}Secretary of State] would be entitled to retain part of the arrears under section 41(2) if [^{F3}Secretary of State] recovered them, and the part of the arrears that the [^{F3}Secretary of State] would not be entitled to retain is equal to or less than the payment accepted under subsection (1).
- (5) Unless the maintenance calculation was made under section 7, the appropriate consent is the written consent of the person with care with respect to whom the maintenance calculation was made.
- (6) If the maintenance calculation was made under section 7, the appropriate consent is—
 - (a) the written consent of the child who made the application under section 7(1), and
 - (b) if subsection (7) applies, the written consent of the person with care of that child.
- (7) This subsection applies if—
 - (a) the maintenance calculation was made under section 7(2), or

Status: Point in time view as at 10/12/2012.

Changes to legislation: Child Support Act 1991, Section 41D is up to date with all changes known to be in force on or before 14 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)

- (b) the Secretary of State has made arrangements under section 7(3) on the application of the person with care.]

Textual Amendments

- F1** S. 41D inserted (8.10.2012 for specified purposes, 10.12.2012 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), **ss. 32**, 62(3); S.I. 2012/2523, art. 2(2)(d); S.I. 2012/3042, art. 4(a)
- F2** Words in s. 41D(1)(3) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 84(2)**
- F3** Words in s. 41D(4) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 3(2), **Sch. para. 84(3)**

Modifications etc. (not altering text)

- C1** S. 41D modified (10.6.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\)](#), **s. 59(4)**; S.I. 2008/1476, **art. 2(6)**

Status:

Point in time view as at 10/12/2012.

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