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STATUTORY INSTRUMENTS

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**1992 No. 1816**

**FAMILY LAW**

**CHILD SUPPORT**

**The Child Support (Arrears, Interest and Adjustment  
of Maintenance Assessments) Regulations 1992**

*Made* - - - - 20th July 1992  
*Coming into force* - - 5th April 1993

<sup>X1</sup>Whereas a draft of this instrument was laid before Parliament in accordance with section 52(2) of the Child Support Act 1991<sup>M1</sup> and approved by a resolution of each House of Parliament:

Now therefore, the Secretary of State for Social Security, in exercise of the powers conferred by sections 41, 51, 52(4) and 54 of the Child Support Act 1991<sup>M2</sup> and of all other powers enabling him in that behalf hereby makes the following Regulations:

**Editorial Information**

**X1** This legislation was made on 20.7.1992 and was published on the SLDB on 21.3.1997 for the first time. Some information has now been added to the item but we have not yet completed carrying its effects into other parts of the database.

**Marginal Citations**

**M1** [1991 c.48.](#)

**M2** [Section 54](#) is cited because of the meaning ascribed to the word “prescribed”

**PART I**

**GENERAL**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 and shall come into force on 5th April 1993.

(2) In these Regulations, unless the context otherwise requires—

**F1**  
...

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

“the Act” means the Child Support Act 1991;

“arrears” means arrears of child support maintenance;

“arrears of child support maintenance” is to be construed in accordance with section 41(1) and (2) of the Act;

“arrears notice” has the meaning prescribed in regulation 2;

[<sup>F2</sup>“Maintenance Calculation Procedure Regulations” means the Child Support (Maintenance Calculation Procedure) Regulations 2000;]

F3 ...

F4 ...

F5 ...

[<sup>F6</sup>“non-resident parent” includes a person treated as such under regulation 8 of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000;]

“parent with care” means a person who, in respect of the same child or children, is both a parent and a person with care;

“relevant person” has the same meaning as in the [<sup>F7</sup>Maintenance Calculation Procedure Regulations].

[<sup>F8</sup>“state pension credit” means the social security benefit of that name payable under the State Pension Credit Act 2002.]

(3) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (b) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

#### Textual Amendments

- F1 Reg. 1(2) words omitted (3.3.2003) by S.I. 2001/162, reg. 5(2)(a) (with reg. 6)
- F2 Reg. 1(2) words inserted (3.3.2003) by S.I. 2001/162, reg. 5(2)(b) (with reg. 6)
- F3 Reg. 1(2) words omitted (3.3.2003) by S.I. 2001/162, reg. 5(2)(a) (with reg. 6)
- F4 Reg. 1(2) words omitted (3.3.2003) by S.I. 2001/162, reg. 5(2)(a) (with reg. 6)
- F5 Reg. 1(2) words omitted (3.3.2003) by S.I. 2001/162, reg. 5(2)(a) (with reg. 6)
- F6 Reg. 1(2) words inserted (3.3.2003) by S.I. 2001/162, reg. 5(2)(c) (with reg. 6)
- F7 Reg. 1(2) words substituted (3.3.2003) by S.I. 2001/162, reg. 5(2)(d) (with reg. 6)
- F8 Reg. 1(2) words inserted (6.10.2003) by S.I. 2002/3019, reg. 26(2)

## PART II

### ARREARS OF CHILD SUPPORT MAINTENANCE <sup>F9</sup>...

#### Textual Amendments

- F9 Words in heading to Part II omitted (see reg. 1(3) of S.I. 2001/162 for effective date) by S.I. 2001/162, reg. 5(3)(a), (with reg. 6)

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## Applicability of provisions as to arrears <sup>F10</sup>... and arrears notices

<sup>F11</sup>2. ....

### Textual Amendments

**F10** Reg. 2 word in heading omitted (3.3.2003) by S.I. 2001/162, reg. 5(3)(b)(i) (with reg. 6)

**F11** Reg. 2 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

## Liability to make payments of interest with respect to arrears

<sup>F12</sup>3. ....

### Textual Amendments

**F12** Reg. 3 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

## Circumstances in which no liability to pay interest arises

<sup>F13</sup>4. ....

### Textual Amendments

**F13** Reg. 4 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

## Payment of arrears by agreement

<sup>F14</sup>5. ....

### Textual Amendments

**F14** Reg. 5 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

## Rate of interest and calculation of interest

<sup>F15</sup>6. ....

### Textual Amendments

**F15** Reg. 6 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

## Receipt and retention of interest paid

<sup>F16</sup>7. ....

### Textual Amendments

**F16** Reg. 7 revoked (25.1.10) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

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**[F17] Retention of recovered arrears of child support maintenance by the Secretary of State**

8.—(1) This regulation applies where—

- (i) the Secretary of State recovers arrears from an [F18 non-resident parent ] under section 41 of the Act ; and
- (ii) income support [F19 or income-based jobseeker’s allowance] is paid to or in respect of the person with care or was paid to or in respect of that person at the date or dates upon which the payment or payments of child support maintenance referred to in paragraph (2) should have been made.

(2) Where paragraph (1) applies, the Secretary of State may retain such amount of those arrears as is equal to the difference between the amount of income support [F19 or income-based jobseeker’s allowance] that was paid to or in respect of the person with care and the amount of income support [F19 or income-based jobseeker’s allowance] that he is satisfied would have been paid had the [F20 non-resident parent] paid, by the due dates, the amounts due under the child support [F21 maintenance calculation] in force or to be taken to have been in force by virtue of the provisions of section 41(2A) of the Act . ]

**Textual Amendments**

- F17** Reg. 8 substituted (22.1.1996) by S.I. 1995/3261, reg. 2
- F18** Reg. 8 words substituted (3.3.2003) by S.I. 2001/162, reg. 5(3) (with reg. 6)
- F19** Words in reg. 8 inserted (7.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, **3(2)(b)**
- F20** Reg. 8 words substituted (3.3.2003) by S.I. 2001/162, reg. 5(3) (with reg. 6)
- F21** Reg. 8 words substituted (3.3.2003) by S.I. 2001/162, reg. 5(3) (with reg. 6)

**PART III**

**ATTRIBUTION OF PAYMENTS AND ADJUSTMENT OF THE AMOUNT PAYABLE UNDER A MAINTENANCE [F22 CALCULATION]**

**Textual Amendments**

- F22** Words in heading to Part III substituted (see reg. 1(3) of S.I. 2001/162 for effective date) by S.I. 2001/162, reg. 5(4)(a) (with reg. 6)

**Attribution of payments**

**F23** 9. ....

**Textual Amendments**

- F23** Reg. 9 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

**Adjustment of the amount payable under a maintenance [F24 calculation]**

**F25** 10. ....

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**Textual Amendments**

- F24** Word in heading to reg. 10 substituted (3.3.2003) by S.I. (2001/162), reg. 5(4) (with reg. 6)
- F25** Reg. 10 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

**[<sup>F26</sup>Reimbursement of a repayment of overpaid child maintenance**

**10A.—(1)** The Secretary of State may require a relevant person to repay the whole or a part of any payment by way of reimbursement made to an [<sup>F27</sup> non-resident parent ] under section 41B(2) of the Act where the overpayment referred to in section 41B(1) of the Act arose—

- (a) in respect of the amount payable under a maintenance [<sup>F28</sup>calculation] calculated in accordance with Part I of Schedule 1 to the Act and where income support<sup>F29</sup>, income-related employment and support allowance<sup>F30</sup>, state pension credit<sup>F31</sup> or income-based jobseeker’s allowance ] , <sup>F32</sup>... was not in payment to that person at any time during the period in which that overpayment occurred or at the date or dates on which the payment by way of reimbursement was made; or

<sup>F33</sup>(b) .....

(2) In a case falling within section 4 or 7 of the Act , where the circumstances set out in section 41B(6) apply, the Secretary of State may retain out of the child support maintenance collected by him in accordance with section 29 of the Act such sums as cover the amount of any payment by way of reimbursement required by him from the relevant person under section 41B(3) of the Act . ]

**Textual Amendments**

- F26** Reg. 10A inserted (22.1.1996) by S.I. 1995/3261, reg. 3
- F27** Words in reg. 10A(1) substituted (3.3.2003) by (S.I. 2001/162), reg. 5(4)(c) (with reg. 6)
- F28** Words in reg. 10A(1)(a) substituted (3.3.2003) by S.I. 2001/162, reg. 5(4)(b) (with reg. 6)
- F29** Words in reg. 10A(1)(a) inserted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), 4
- F30** Word in reg. 10A inserted (6.10.2003) by S.I. 2002/3019, reg. 26(3)
- F31** Words in reg. 10A inserted (7.10.1996) by [The Social Security and Child Support \(Jobseeker’s Allowance\) \(Consequential Amendments\) Regulations 1996 \(S.I. 1996/1345\)](#), regs. 1, 3(2)(c)
- F32** Words in reg 10A(1)(a) omitted (3.3.2003) by S.I. 2001/162, reg. 5(4)(e) (with reg. 6)
- F33** Reg. 10A(1)(b) omitted (3.3.2003) by S.I. 2001/162, reg. 5(4)(e) (with reg. 6)

**[<sup>F34</sup>Repayment of a reimbursement of a voluntary payment**

**10B.** The Secretary of State may require a relevant person to repay the whole or any part of any payment by way of reimbursement made to a non-resident parent under section 41B(2) of the Act where—

- (a) a voluntary payment was made;
- (b) section 41B(1A) applies; and

income support<sup>F35</sup>, income-related employment and support allowance<sup>F36</sup>, state pension credit] or income-based jobseeker’s allowance was not in payment to that person at any time during the period in which the voluntary payment was made or at the date or dates on which the payment by way of reimbursement was made.]

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**Textual Amendments**

- F34** Reg. 10B inserted (3.3.2003) by S.I. 2001/162, reg. 5(4)(f) (with reg. 6)
- F35** Words in reg. 10B inserted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), 4
- F36** Words in reg. 10B inserted (6.10.2003) by S.I. 2002/3019, reg. 26(3)

**PART IV  
MISCELLANEOUS**

**Notifications following an adjustment under the provisions of regulation 10**

<sup>F37</sup>**11.** .....

**Textual Amendments**

- F37** Reg. 11 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

**Review of adjustments under regulation 10 or of the calculation of arrears or interest**

<sup>F38</sup>**12.** .....

**Textual Amendments**

- F38** Reg. 12 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

**Procedure and notifications on applications and reviews under regulation 12**

<sup>F39</sup>**13.** .....

**Textual Amendments**

- F39** Reg. 13 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

**Non-disclosure of information to third parties**

<sup>F40</sup>**14.** .....

**Textual Amendments**

- F40** Reg. 14 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

**Applicability of regulations 1(6) and 53 to 56 of the Maintenance Assessment Procedure Regulations**

<sup>F41</sup>**15.** .....

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**Textual Amendments**

**F41** Reg. 15 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

[<sup>F42</sup>**Supersession of decisions**

<sup>F43</sup> **16** . . . . .

.....

**Textual Amendments**

**F42** Regs. 16-17 inserted (1.6.1999) by S.I. 1999/1510, art. 28

**F43** Reg. 16 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

**Application of regulations 1(6), 10(3) and 53 of the Maintenance Assessment Procedure Regulations**

<sup>F44</sup> **17** . . . . .]

.....

**Textual Amendments**

**F42** Regs. 16-17 inserted (1.6.1999) by S.I. 1999/1510, art. 28

**F44** Reg. 17 revoked (25.1.2010) by S.I. 2009/3151, reg. 1, 14, Sch. (with reg. 15)

Signed by authority of the Secretary of State for Social Security.

*Alistair Burt*  
Parliamentary Under-Secretary of State,  
Department of Social Security

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## EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to arrears of child support maintenance payable under the Child Support Act 1991 (“the Act”), interest on such arrears, and the adjustment of maintenance assessments.

Regulation 1 contains interpretation provisions.

Regulations 2, 3 and 4 provide for the service of an arrears notice where arrears of child support maintenance have arisen, and prescribe the circumstances where liability to make payments of interest with respect to arrears arises.

Regulation 5 provides for the payment of arrears by agreement and contains provisions as to interest where such an agreement has been entered into.

Regulation 6 prescribes the rate of interest payable on arrears, and how interest is to be calculated.

Regulation 7 makes provision as to the payment of interest and for the retention of interest by the Secretary of State.

Regulation 8 prescribes circumstances where the Secretary of State may retain recovered arrears of child support maintenance.

Regulation 9 provides for the attribution of payments where there are arrears of child support maintenance.

Regulation 10 provides for the adjustment of amounts payable under a maintenance assessment, and regulation 11 makes provision in respect of notifications following such an adjustment.

Regulation 12 provides for reviews of adjustments under regulation 10 and of the calculation of arrears and of interest payable with respect to arrears. Regulation 13 makes provision as to procedure and notifications on applications and reviews under regulation 12.

Regulations 14 and 15 apply certain provisions of the Child Support (Maintenance Assessment Procedure) Regulations 1992 to the provisions of these Regulations.



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**Changes and effects yet to be applied to :**

- reg.10 rev. in pt. (prosp ) by [S.I. 2000/3185 reg 14](#)
- reg.10(2) amended by [S.I. 1998/2799 reg.3\(2\)](#)
- reg. 10(2)(3) revoked by [S.I. 2000/3185 reg. 14\(1\)](#) (This amendment comes into force in relation to a particular case on the date on which ss. 16, 17, 20 of the Child Support Act 1991 (c. 48) as amended by the Child Support, Pensions and Social Security Act 2000 (c. 19) come into force in relation to that type of case. See S.I. 2003/192, art. 3, Sch.)
- reg.10(2) words inserted by [S.I. 1996/2907 reg. 62](#)
- reg. 11-17 revoked by [S.I. 2000/3185 reg. 14\(1\)](#) (This amendment comes into force in relation to a particular case on the date on which ss. 16, 17, 20 of the Child Support Act 1991 (c. 48) as amended by the Child Support, Pensions and Social Security Act 2000 (c. 19) come into force in relation to that type of case. See S.I. 2003/192, art. 3, Sch.)
- regs.11-17 revoked (prosp ) by [S.I. 2000/3185 reg. 14](#)