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STATUTORY INSTRUMENTS

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**1992 No. 1989**

The Child Support (Collection and  
Enforcement) Regulations 1992

[<sup>F1</sup> PART 3A **E+W+S**

Deduction Orders

[<sup>F1</sup> CHAPTER 3 **E+W+S**

Lump Sum Deduction Orders

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**Textual Amendments**

- F1** Pt. 3A inserted (3.8.2009) by [Child Support Collection and Enforcement \(Deduction Orders\) Amendment Regulations 2009 \(S.I. 2009/1815\)](#), regs. 1(1), 2

**Period in which representations may be made** **E+W+S**

**25M.** Where a lump sum deduction order has been made under section 32E(1) of the Act the period for making representations to the [<sup>F2</sup>Secretary of State] in respect of the proposal specified in that order is 14 days beginning on the day a copy of the order was served.

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**Textual Amendments**

- F2** Words in reg. 25M 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. 1(2), **Sch. para. 111(10)**

**Disapplication of sections 32G(1) and 32H(2)(b) of the Act** **E+W+S**

**25N.—**(1) Something that would otherwise be in breach of sections 32G(1) and 32H(2)(b) of the Act may, with the consent of the [<sup>F3</sup>Secretary of State], be done in the following circumstances—

- (a) the liable person, the liable person's partner or any relevant other child is suffering hardship in meeting ordinary living expenses;
- (b) the liable person is under a written contractual obligation, agreed before the lump sum deduction order was made, to make a payment;
- (c) the deposit-taker has a right of set off and satisfies the [<sup>F3</sup>Secretary of State] that an intention to exercise that right was formed within 30 days before the date the lump sum deduction order under section 32E of the Act was served;

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- (d) the deposit-taker and the liable person have made a written agreement in which the availability of an amount standing to the credit of the account specified in the lump sum deduction order was required as security for that agreement; or
- (e) any other circumstances the [F<sup>3</sup>Secretary of State] considers appropriate in the particular case.
- (2) The liable person or the deposit-taker at which a lump sum deduction order is directed may apply to the [F<sup>3</sup>Secretary of State] for consent.
- (3) When deciding whether to give consent, the [F<sup>4</sup>Secretary of State] must take into account—
- (a) any adverse impact the decision may have on the liable person or any other person; and
- (b) any alternative arrangements which may be made by the liable person or the deposit-taker.
- (4) Where the [F<sup>4</sup>Secretary of State] gives consent it is to take effect on the day on which the deposit-taker receives notification from the [F<sup>4</sup>Secretary of State] to disapply section 32G(1) or 32H(2)(b) of the Act.
- (5) Something that would otherwise be in breach of section 32G(1) and 32H(2)(b) of the Act may be done where—
- (a) the amount standing to the credit of the account specified in the lump sum deduction order is less than the amount specified in that order, except in respect of any amount dealt with in compliance with section 32G(1) of the Act ; or
- (b) the deposit-taker has made a payment in accordance with section 32H(1)(a) of the Act .
- (6) Paragraph (5) has effect until the [F<sup>5</sup>Secretary of State] gives notice to the deposit-taker that paragraph (5) has ceased to have effect in a particular case and that notification is to take effect on the day on which the deposit-taker receives notification from the [F<sup>5</sup>Secretary of State].
- (7) In this regulation—
- “partner” has the same meaning as in regulation 3(9) (method of payment) and the definition of “couple” in that regulation is to apply accordingly; and
- “relevant other child” is to be interpreted in accordance with paragraph 10C(2) of Schedule 1 to the Act and regulations made for the purposes of that paragraph.

#### Textual Amendments

- F3** Words in reg. 25N(1)(2) 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. 1(2), **Sch. para. 111(11)**
- F4** Words in reg. 25N(3)(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. 1(2), **Sch. para. 111(11)**
- F5** Words in reg. 25N(6) 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. 1(2), **Sch. para. 111(11)**

#### Information **E+W+S**

- 25O.—**(1) A deposit-taker at which a lump sum deduction order is directed must supply to the [F<sup>6</sup>Secretary of State] in writing, within 7 days—
- (a) of a copy of the order or order as varied being served; or
- (b) of notification being received by the deposit-taker that an order has been revived,

the information set out in paragraph (2).

- (2) The information is—
  - (a) if the account specified in the order—
    - (i) does not exist,
    - (ii) cannot be traced, or
    - (iii) has been closed;
  - (b) whether the amount standing to the credit of the account specified in the order—
    - (i) on the day the order is served, or
    - (ii) where an order is revived, on the day the decision to revive the order takes effect, is at least the same or less than the amount specified in the order and where it is less, that amount; and
  - (c) where the name of the liable person specified in the order is different to the name in which the account specified in the order is held—
    - (i) whether the account was previously held in the name of the liable person specified in the order, and
    - (ii) if so, the new name in which the account is held, only where the liable person named in the order is the same person as the person in whose name the account specified in the order is held.
- (3) A deposit-taker at which a lump sum deduction order is directed must notify the [F7Secretary of State] within 7 days of notification being received that an order has lapsed or has been discharged—
  - (a) if the account specified in the order cannot be traced; or
  - (b) where the name of the liable person specified in the order is different to the name in which the account specified in the order is held—
    - (i) whether the account was previously held in the name of the liable person specified in the order, and
    - (ii) if so, the new name in which the account is held, only where the liable person named in the order is the same person as the person in whose name the account specified in the order is held.
- (4) A deposit-taker at which a lump sum deduction order is directed, must supply to the [F7Secretary of State] within 7 days of receipt of a request being made by the [F7Secretary of State], the following information—
  - (a) whether the liable person holds another account or has opened an account with that deposit-taker or with another deposit-taker and, if so, the details of that account, including—
    - (i) the number and sort code of that account, and
    - (ii) the type of account; and
  - (b) whether the amount standing to the credit of the account specified in the order on the day the request is received is at least the same or less than the amount specified in the order or the remaining amount and where it is less, that amount.
- (5) In so far as a deposit-taker at which a lump sum deduction order is directed (“A”) has the information, the details of an account held with another deposit-taker (“B”) must be supplied to the [F8Secretary of State] in accordance with paragraph (4) only if—
  - (a) the liable person has—

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- (i) closed the account specified in the order and held with A,
  - (ii) opened an account with B, and
  - (iii) transferred the amount standing to the credit of the account held with A to the account held with B;
- (b) either—
- (i) a lump sum deduction order has lapsed, or
  - (ii) A has notified the [F8Secretary of State] in accordance with paragraph (2)(a)(iii), that the account specified in the order has been closed; and
- (c) the [F8Secretary of State] has made a request for the information within 1 month of the order lapsing or, as the case may be, notification being received by the [F8Secretary of State] that the account has been closed.
- (6) The requirements of paragraphs (1) to (3) and paragraph (4) as it applies to a deposit-taker at which a lump sum deduction order is directed, apply only in so far as the deposit-taker has the information or can reasonably be expected to acquire it.
- (7) In paragraph (4)(b) and regulation 25T(1)(b) and (c) “remaining amount” has the same meaning as in section 32H(6) of the Act.

#### Textual Amendments

- F6** Words in reg. 25O(1) 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. 1(2), [Sch. para. 111\(12\)](#)
- F7** Words in reg. 25O(3)(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. 1(2), [Sch. para. 111\(12\)](#)
- F8** Words in reg. 25O(5) 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. 1(2), [Sch. para. 111\(12\)](#)

#### Priority as between orders – lump sum deduction orders **E+W+S**

**25P.**—(1) Where a deposit-taker would, but for this paragraph, be obliged to comply with an order under section 32F of the Act, and one or more interim third party debt orders or garnishee orders nisi, it must take action to comply with the orders according to the order in which they were served on the deposit-taker.

(2) Paragraph (1) does not apply where an order under section 32E of the Act was served after an interim third party debt order or a garnishee order nisi except where there remains an amount standing to the credit of the account specified in the order under section 32F of the Act after any third party debt orders or garnishee orders have been complied with by the deposit-taker (referred to in this regulation as “an outstanding amount”).

(3) Where there is an outstanding amount section 32G(1) of the Act applies in respect of that amount.

(4) Where a decision to revive a lump sum deduction order takes effect on the same day as or any day after a third party debt order or garnishee order has been served, the deposit-taker must take action to comply with any of those orders before making a deduction under the lump sum deduction order.

(5) Paragraphs (1) to (4) do not apply to Scotland.

(6) In Scotland, where a deposit-taker would, but for this paragraph, be obliged to comply with an order under section 32F of the Act, and one or more arrestment schedules (“arrestments”) it must give preference to that order and those arrestments according to the order in which they were served on the deposit-taker.

(7) Where there remains an amount standing to the credit of the account specified in the order under section 32F of the Act after any arrestments have been complied with by the deposit-taker, section 32G(1) of the Act applies in respect of that amount.

(8) Where a decision to revive a lump sum deduction order takes effect on the same day as or any day after any arrestments have been served, the deposit-taker must take action to comply with any of those arrestments before making a deduction under the lump sum deduction order.

### Minimum amount **E+W+S**

**25Q.**—(1) A deduction must not be made where the amount standing to the credit of the account specified in the lump sum deduction order is below the minimum amount on the date the deduction is due to be made.

(2) The minimum amount is £55 plus the amount of administrative costs authorised by regulation 25Z(b) (administrative costs).

### Variation of a lump sum deduction order **E+W+S**

**25R.**—(1) The [F9 Secretary of State] may, in the circumstances set out in paragraph (2), vary a lump sum deduction order by reducing the amount specified in that order.

(2) The circumstances are that—

- (a) the [F9 Secretary of State] accepts the liable person’s agreement to make a payment;
- (b) a decision has been made under section 11, 12, 16 or 17 of the Act or there has been an appeal against a maintenance calculation;
- (c) the [F9 Secretary of State] has consented to the doing of things that would otherwise be in breach of sections 32G(1) and 32H(2)(b) of the Act ;
- (d) there has been an appeal made under regulation 25AB(1)(c) or (d) (appeals); or
- (e) representations made in respect of the proposals specified in the order made under section 32E of the Act have been accepted by the [F9 Secretary of State] .

(3) Where—

- (a) a lump sum deduction order has been varied under this regulation; and
- (b) a copy of the order as varied has been served on the deposit-taker at which it is directed,

that deposit-taker must comply with the order when that order is served.

#### Textual Amendments

**F9** Words in reg. 25R(1)(2) 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. 1(2), [Sch. para. 111\(13\)](#)

### Lapse of a lump sum deduction order **E+W+S**

**25S.**—(1) A lump sum deduction order is to lapse in the circumstances set out in paragraph (2).

(2) The circumstances are where—

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- (a) the amount in the account specified in the order under section 32E of the Act is nil;
  - (b) in consequence of the consent given by the [F10Secretary of State] under regulation 25N(1) (disapplication of section 32G(1) and 32H(2)(b) of the Act ) the amount in the account specified in the lump sum deduction order is reduced to nil; or
  - (c) the [F10Secretary of State] has agreed with the liable person an alternative method of payment of the child support maintenance due under the maintenance calculation,
- and the [F10Secretary of State] considers it is reasonable in all the circumstances that the order is to lapse.

(3) A lump sum deduction order lapses on the day on which the deposit-taker receives notification that the order has lapsed from the [F10Secretary of State].

(4) A lump sum deduction order which has lapsed under this regulation is to be treated as remaining in force for the purposes of regulations 25M (period in which representations may be made), 25O (information) and 25AB (appeals).

#### Textual Amendments

**F10** Words in reg. 25S(2)(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. 1(2), [Sch. para. 111\(14\)](#)

#### Revival of a lump sum deduction order **E+W+S**

**25T.**—(1) Where a lump sum deduction order has lapsed it may be revived by the [F11Secretary of State] where—

- (a) in the case of an order under section 32E of the Act , the amount standing to the credit of the account specified in that order was nil and the [F11Secretary of State] is informed in accordance with the requirement in regulation 25O(4)(b) that there is an amount at least the same as or less than the amount specified in the order standing to the credit of the account specified in the order;
- (b) a lump sum deduction order has lapsed under regulation 25S(2)(b) (lapse of a lump sum deduction order) and the [F11Secretary of State] is informed in accordance with the requirement in regulation 25O(4)(b) that there is an amount at least the same as or less than the amount specified in the order, or the remaining amount, standing to the credit of the account specified in the order; or
- (c) in the case of an order under section 32F of the Act , there is a remaining amount and the liable person has failed to comply with the agreement referred to in regulation 25S(2)(c).

(2) Where the [F11Secretary of State] decides to revive a lump sum deduction order that decision is to take effect on the day notification that the order has been revived is received by the deposit-taker.

#### Textual Amendments

**F11** Words in reg. 25T 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. 1(2), [Sch. para. 111\(15\)](#)

## Discharge of a lump sum deduction order **E+W+S**

**25U.**—(1) A lump sum deduction order must be discharged where—

- (a) the account specified in the order has been closed;
- (b) the amount of arrears of child support maintenance specified in the order has been paid in full in accordance with regulation 2 (payment of child support maintenance);
- (c) the liable person has paid the total amount of arrears of child support maintenance specified in the order by an alternative method agreed between the [<sup>F12</sup>Secretary of State] and the liable person;
- (d) the [<sup>F12</sup>Secretary of State] has considered representations made in respect of an order under section 32E of the Act and [<sup>F13</sup>the Secretary of State] has decided not to make an order under section 32F of the Act ;
- (e) unless sub-paragraph (f) applies—
  - (i) an order under section 32F of the Act has lapsed under regulation 25S(2) and 6 months have passed beginning on the day on which the deposit-taker received notification that the order had lapsed from the [<sup>F12</sup>Secretary of State], or
  - (ii) regulation 25N(5) applies and 6 months have passed beginning on the day on which payment was made under section 32H(1)(a) of the Act ;
- (f) an appeal is brought by virtue of regulation 25AB(1)(d) and 1 month has passed beginning on—
  - (i) the day proceedings on the appeal (including any further appeal) concluded, or
  - (ii) the end of any period during which a further appeal may ordinarily be brought, whichever is the later; or
- (g) the liable person has died.

(2) A lump sum deduction order may be discharged where the [<sup>F12</sup>Secretary of State] considers it is appropriate to do so in the circumstances of the case.

(3) A lump sum deduction order is discharged on the day notification that the order has been discharged is received by the deposit-taker.

### Textual Amendments

**F12** Words in reg. 25U(1)(2) 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. 1(2), [Sch. para. 111\(16\)\(a\)](#)

**F13** Words in reg. 25U(1)(d) 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. 1(2), [Sch. para. 111\(16\)\(b\)](#)

## Time at which a lump sum deduction order under section 32E of the Act ceases to be in force

### **E+W+S**

**25V.** For the purposes of section 32E(8)(a) of the Act the prescribed period is—

- (a) unless paragraph (b) applies, 6 months beginning on—
  - (i) the day the order under section 32E of the Act was served on the deposit-taker, or
  - (ii) where that order has lapsed under regulation 25S, the day on which the deposit-taker received notification that the order had lapsed from the [<sup>F14</sup>Secretary of State]; or

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- (b) where an appeal is brought by virtue of regulation 25AB(1)(c) (appeal against the withholding of consent), 1 month beginning on—
  - (i) the day proceedings on the appeal (including any further appeal) concluded, or
  - (ii) the end of any period during which a further appeal may ordinarily be brought, whichever is the later.

#### **Textual Amendments**

**F14** Words in reg. 25V(a)(ii) 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. 1(2), [Sch. para. 111\(17\)](#)

#### **Meaning of “the relevant time”** **E+W+S**

**25W.** For the purposes of the meaning of “the relevant time” in section 32H(6) of the Act the prescribed circumstances are that—

- (a) unless to paragraph (b) applies, 6 months have passed beginning on the day the order under section 32F of the Act was served on the deposit-taker; or
- (b) where an appeal is brought by virtue of regulation 25AB(1)(d), 1 month has passed beginning on—
  - (i) the day proceedings on the appeal (including any further appeal) concluded, or
  - (ii) the end of any period during which a further appeal may ordinarily be brought, whichever is the later.]



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