
STATUTORY INSTRUMENTS

1992 No. 1989

The Child Support (Collection and Enforcement) Regulations 1992

[^{F1}PART 3A

Deduction Orders

[^{F1}CHAPTER 4

General Matters for Deduction Orders

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

Accounts of a prescribed description

25X.—(1) A regular deduction order or a lump sum deduction order may not be made in respect of an account which—

- (a) the liable person operates solely for the purposes of exercising the function of a trustee or office holder and the account is one in which all the funds are held on behalf of other persons or for the purposes of that office; or
- (b) is used wholly or in part for business purposes.

(2) For the purposes of paragraph (1)(b), whether an account is used wholly or in part for business purposes is to be decided by the [^{F2}Secretary of State].

(3) Paragraph (1)(b) does not apply where a regular deduction order is made in respect of an account which is used by the liable person as a sole trader.

Textual Amendments

- F2** Words in reg. 25X(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(18)**

Circumstances in which amounts standing to the credit of an account are to be disregarded

25Y. The circumstances in which amounts standing to the credit of an account are to be disregarded for the purposes of sections 32A, 32E, 32G and 32H of the Act are where the liable person has no beneficial interest in the amount.

Status: Point in time view as at 01/01/2014.

Changes to legislation: There are currently no known outstanding effects for the The Child Support (Collection and Enforcement) Regulations 1992, CHAPTER 4. (See end of Document for details)

Administrative costs

25Z. A deposit-taker at which an order under section 32A or 32F of the Act is directed may deduct from the amount standing to the credit of the account specified in the order an amount towards its administrative costs for each deduction made, not exceeding—

- (a) in the case of a regular deduction order, £10; or
- (b) in the case of a lump sum deduction order under section 32F of the Act , £55,

before making any payment to the [^{F3}Secretary of State] required by section 32A or, as the case may be, section 32H of the Act .

Textual Amendments

- F3** Words in reg. 25Z 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(19)**

Payment by deposit-taker to the [^{F4}Secretary of State]

25AA.—(1) Amounts deducted by a deposit-taker at which a regular deduction order or a lump sum deduction order under section 32F of the Act is directed must be paid to the [^{F5}Secretary of State] within—

- (a) in the case of a regular deduction order, 10 days of the date the regular deduction is due to be made; or
- (b) in the case of a lump sum deduction order under section 32F of the Act , 10 days of the end of the relevant period.

(2) The payment to the [^{F5}Secretary of State] of amounts deducted under that order may be made by—

- (a) cheque;
- (b) automated credit transfer; or
- (c) such other method as the [^{F5}Secretary of State] may specify.

(3) In this regulation “the relevant period” has the same meaning as in section 32G(5) and (6) of the Act .

Textual Amendments

- F4** Words in reg. 25AA(heading) 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(20)**
- F5** Words in reg. 25AA(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(20)**

Appeals

25AB.—(1) A qualifying person has a right of appeal to a county court or in Scotland the sheriff of the sheriffdom in which that person resides, against—

- (a) the making of a regular deduction order;

- (b) any decision made by the [^{F6}Secretary of State] on an application made under regulation 25G (review of a regular deduction order);
 - (c) the withholding of the consent to be obtained in accordance with regulation 25N (disapplication of sections 32G(1) and 32H(2)(b) of the Act);
 - (d) the making of an order under section 32F of the Act .
- (2) In this regulation a “qualifying person” means—
- (a) in relation to paragraph (1)(a) and (b), any person affected by—
 - (i) a regular deduction order, or, as the case may be,
 - (ii) the decision referred to in paragraph (1)(b);
 - (b) in relation to paragraph (1)(c), the persons prescribed in regulation 25N(2); and
 - (c) in relation to paragraph (1)(d), any person affected by an order under section 32F of the Act .

Textual Amendments

- F6** Words in reg. 25AB(1)(b) 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(21)**

Offences

25AC. The following regulations are designated for the purposes of sections 32D(1)(b) and 32K(1)(b) of the Act —

- (a) regulation 25E(1) to (5) (notification by the deposit-taker to the [^{F7}Secretary of State]);
- (b) regulation 25I(4) (variation of a regular deduction order);
- (c) regulation 25O(1) to (5) (information);
- (d) regulation 25R(3) (variation of a lump sum deduction order); and
- (e) regulation 25AA(1) (payment by deposit-taker to the [^{F8}Secretary of State]).

Textual Amendments

- F7** Words in reg. 25AC(a) 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(22)**
- F8** Words in reg. 25AC(e) 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(22)**

[^{F9}Secretary of State] to warn of consequences of failing to comply with an order or to provide information

25AD. Where information is required by virtue of regulation 25E or 25O, the [^{F10}Secretary of State] must set out in writing the possible consequences of failure to—

- (a) comply with a regular deduction order or lump sum deduction order; and
- (b) provide the information required under the regulations designated by regulation 25AC(a) and (b) (offences),

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including details of the offences provided for by virtue of sections 32D and 32K of the Act, as the case may be.]

Textual Amendments

- F9** Words in reg. 25AD heading 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(23)**
- F10** Words in reg. 25AD 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(23)**

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