
STATUTORY INSTRUMENTS

1992 No. 1989

The Child Support (Collection and Enforcement) Regulations 1992

[^{F1} PART 3A

Deduction Orders

CHAPTER 3

Lump Sum Deduction Orders

[^{F1} Disapplication of sections 32G(1) and 32H(2)(b) of the Act

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 [^{F2}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;
 - [another account-holder, another account-holder's partner or a child in relation to whom
 - ^{F3}(aa) another account-holder is a person with care is suffering hardship in meeting ordinary living expenses;]
 - (b) the liable person [^{F4}or another account-holder] 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 [^{F2}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;
 - (d) the deposit-taker and [^{F5}either the liable person or another account-holder] 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 [^{F2}Secretary of State] considers appropriate in the particular case.
- (2) The liable person[^{F6}, another account-holder] or the deposit-taker at which a lump sum deduction order is directed may apply to the [^{F2}Secretary of State] for consent.
- (3) When deciding whether to give consent, the [^{F7}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[^{F8}, another account-holder] or the deposit-taker.

(4) Where the [^{F7}Secretary of State] gives consent it is to take effect on the day on which the deposit-taker receives notification from the [^{F7}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 [^{F9}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 [^{F9}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

- 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**
- F2** 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)**
- F3** Reg. 25N(1)(aa) inserted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), **3(14)(a)**
- F4** Words in reg. 25N(1)(b) inserted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), **3(14)(b)**
- F5** Words in reg. 25N(1)(d) substituted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), **3(14)(c)**
- F6** Words in reg. 25N(2) inserted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), **3(14)(d)**
- F7** 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)**
- F8** Words in reg. 25N(3)(b) inserted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), **3(14)(d)**
- F9** 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)**

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Collection and Enforcement) Regulations 1992, Section 25N.