
STATUTORY INSTRUMENTS

1992 No.3094

FAMILY LAW

CHILD SUPPORT

The Child Support Fees Regulations 1992

Made - - - - *9th December 1992*

Coming into force - - *5th April 1993*

Whereas a draft of this instrument was laid before Parliament in accordance with section 52(2) of the Child Support Act 1991(1) 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 47, 52(4) and 54 of the Child Support Act 1991(2) and of all other powers enabling him in that behalf hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support Fees Regulations 1992 and shall come into force on 5th April 1993.

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

“the Act” means the Child Support Act 1991;

“assessable income” means income calculated in accordance with paragraph 5 of Schedule 1 to the Act;

“assessment fee” means a fee in respect of the assessment of child support maintenance;

“collection fee” means a fee in respect of the Secretary of State arranging for the collection of child support maintenance which becomes due, in accordance with a maintenance assessment, after that fee becomes payable, and (if necessary) arranging for the enforcement of the obligation to pay that child support maintenance in accordance with that assessment;

“Maintenance Assessment Procedure Regulations” means the Child Support (Maintenance Assessment Procedure) Regulations 1992(3);

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

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

(1) 1991 c. 48.

(2) Section 54 is cited because of the meaning ascribed to the word “prescribed”.

(3) S.I.1992/1813.

- (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.

Circumstances when fees are payable

2. Where a maintenance assessment is made following an application under section 4, 6 or 7 of the Act fees shall be payable to the Secretary of State in accordance with regulations 3 and 4.

Liability to pay fees

3.—(1) Subject to the provisions of paragraphs (4) and (5), where a maintenance assessment is in force the following persons shall be liable to pay fees, in accordance with the provisions of regulation 4—

- (a) where an application has been made under section 4 or 7 of the Act—
 - (i) the person with care if he is a parent with care; and
 - (ii) the absent parentwith respect to whom the assessment was made;
- (b) where an application has been made under section 6 of the Act and the parent with care remains within section 6(1) of the Act, the absent parent with respect to whom the assessment was made.

(2) In a case falling within paragraph (1)(a), the fees payable shall be the assessment fee and, where the Secretary of State exercises his powers under section 4(2) or 7(3) of the Act, the collection fee.

(3) In a case falling within paragraph (1)(b), the fees payable shall be the assessment fee and the collection fee.

(4) Where—

- (a) an application has been made under section 6 of the Act; and
- (b) the parent with care no longer falls within section 6(1) of the Act but has not requested the Secretary of State to cease taking action under section 6 of the Act,

the case shall for the purposes of paragraph (1) be treated as if the application had been made under section 4 of the Act.

(5) No fees shall be payable by the following categories of person—

- (a) any person to or in respect of whom income support, family credit or disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992(4) is paid;
- (b) any person under the age of 16 or under the age of 19 and receiving full-time education which is not advanced education;
- (c) any person whose assessable income is nil;
- (d) an absent parent to whom the provisions of paragraph 6 of Schedule 1 to the Act (protected income) apply.

(6) The provisions of paragraph (5) shall—

(4) 1992 c. 4.

- (a) be applied in relation to any occasion when a liability to pay fees under the provisions of regulation 4 would otherwise arise; and
- (b) have no effect on the fees payable by any other person.

(7) For the purposes of paragraph (5)(b), “advanced education” has the same meaning as in paragraph 2 of Schedule 1 to the Maintenance Assessment Procedure Regulations (meaning of “child” for the purposes of the Act), and education is to be treated as full-time education if it satisfies the conditions set out in paragraph 3 of that Schedule.

Fees

4.—(1) The first assessment fee shall become payable on the date a maintenance assessment is made following an application under section 4, 6 or 7 of the Act and an assessment fee shall thereafter become payable on each anniversary of that date.

(2) The first collection fee shall become payable on the date the Secretary of State arranges for the collection of child support maintenance and a collection fee shall thereafter become payable on the date the assessment fee becomes payable.

(3) Subject to paragraphs (4) and (6)—

- (a) the assessment fee shall be £44.00;
- (b) the collection fee shall be £34.00.

(4) Where the first collection fee becomes payable on a date (“the first collection date”) later than the date the first assessment fee becomes payable or an anniversary of that date, the amount of that fee shall be an amount equal to the collection fee specified in paragraph (3) above, multiplied by the number of complete weeks between the first collection date and the date the assessment fee next becomes payable, and divided by 52.

(5) The provisions of this regulation in relation to collection fees shall apply where there has been an earlier period, which has terminated, during which collection fees were payable and the Secretary of State again arranges for the collection of child support maintenance, and references to “the first collection fee” shall be construed accordingly.

(6) No additional assessment fees or collection fees shall be payable by a person with respect to whom more than one maintenance assessment is in force.

(7) Where a liability to pay assessment fees or collection fees under these Regulations arises, the fees shall become due on the fourteenth day after the date the fee invoice is given or sent by the Secretary of State.

(8) If a fee invoice is sent by post to a person’s last known or notified address, it shall, for the purposes of paragraph (7), be treated as having been given or sent on the second day after the day of posting, excluding any Sunday or any day which is a bank holiday in England, Wales, Scotland or Northern Ireland under the Banking and Financial Dealings Act 1971(5).

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

9th December 1992
Department of Social Security

Alistair Burt
Parliamentary Under-Secretary of State,

Status: This is the original version (as it was originally made).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the payment of fees under the Child Support Act 1991. Regulation 1 contains interpretation provisions, including definitions of “assessment fee” and “collection fee”.

Regulation 2 provides that where a maintenance assessment is made following an application for an assessment, fees shall be payable in accordance with regulations 3 and 4.

Regulation 3 prescribes who is liable to pay fees and which fees are payable, and lists the categories of person who are exempted from paying fees.

Regulation 4 prescribes when the assessment and the collection fees become payable, and the amounts of those fees.