

## 2001 No. 162

### FAMILY LAW

#### The Child Support (Collection and Enforcement and Miscellaneous Amendments) Regulations 2000

Made - - - - 18th January 2001

Coming into force as provided in regulation 1(2) and (3)

Whereas a draft of this Instrument was laid before Parliament in accordance with section 52(2) of the Child Support Act 1991(a) 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 upon him by sections 28J(3), 29(2) and (3), 30(1), (4) and (5), 32(1) to (5) and (7) to (9), 34(1), 35(7) and (8), 39(1), (3) and (4), 40(11), 40B(11), 41(2), 41A(1) and (4), 47(1) to (3), 51, 52(4) and 54 of the Child Support Act 1991(b) 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 (Collection and Enforcement and Miscellaneous Amendments) Regulations 2000.

(2) Regulations 4 and 6(3), and, for the purposes of those provisions, this regulation, shall come into force on 2nd April 2001 and regulation 2(6)(c) and (9), and, for the purposes of those provisions, this regulation, shall come into force on the day on which section 16 of the 2000 Act comes into force.

▶<sup>1</sup>(2A) Regulation 2(6)(b) and, for the purposes of that provision, this regulation, shall come into force on 31st May 2001.◀

▶<sup>2</sup>(2B) Regulation 2(3)(b)(ii) and (c) shall, to the extent that those provisions are not already in force on 12th July 2006, come into force on that date.◀

(3) The remainder of these Regulations shall come into force in relation to a particular case on the day on which sections 1(2) and (3), 4, 18(1) and (2), and 20(1) of and Schedule 3 paragraph 11(2) and (16) to the 2000 Act come into force for the purposes of that type of case.

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

“the 2000 Act” means the Child Support, Pensions and Social Security Act 2000;

“the Act” means the Child Support Act 1991;

“the Arrears, Interest and Adjustment Regulations” means the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992(c);

<sup>1</sup>Para. (2A) inserted into reg. 1 by reg. 2 of S.I. 2001/1775 as from 31.5.01.

<sup>2</sup>Para. (2B) inserted into reg. 1 by reg. 6(2) of S.I. 2006/1520 as from 12.7.06.

(a) 1991 c. 48. Section 52 is amended by section 25 of the Child Support, Pensions and Social Security Act 2000 (c. 19).

(b) Sections 32, 47 and 54 are amended by, sections 28J, 39A and 40B are inserted by, and section 41A is substituted by, respectively, paragraph 11(16), (18) and (20) of Schedule 3 to, and sections 20(1), 16(1) and (3) and 18(2) of, the Child Support, Pensions and Social Security Act 2000. Section 54 is cited because of the meaning ascribed to the word “prescribed”.

(c) S.I. 1992/1816. Relevant amending instruments are S.I. 1993/913, 1995/1045, 1995/3261, 1996/1345 and 1999/1510.

## Regs. 1-6

“the Collection and Enforcement Regulations” means the Child Support (Collection and Enforcement) Regulations 1992(a);

“the Collection and Enforcement of Other Forms of Maintenance Regulations” means the Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations 1992(b); and

“the Fees Regulations” means the Child Support Fees Regulations 1992(c).

[Regulation 2 amends regulations 1, 2, 8, 9, 10, 11, 12, 17, 20, 21, 24, 27, 33, Schedules 1 and 3 and inserts regulations 5A, 7A, 35 and Schedule 4 in S.I. 1992/1989.]

[Regulation 3 amends regulations 2, 3, 4 and 5 in S.I. 1992/2643.]

[Regulation 4 revokes S.I. 1992/3094.]

[Regulation 5 amends regulations 1, 2, 5, 8, 9, 10 and 10A, deletes regulations 3, 4, 6, 7 and inserts regulation 10B in S.I. 1992/1816.]

[Regulations 5(3)(b), (c), (e) and (4)(d) revoked by Sch. to S.I. 2009/3151 as from 25.1.10.]

**Savings**

<sup>1</sup>Para. (Z1) inserted in reg. 6 by reg. 2(3) of S.I. 2003/347 as from 3.3.03.

**6.**—<sup>1</sup>(Z1) This regulation is subject to the Child Support (Transitional Provisions) Regulations 2000.◀

(1) Where, in respect of a particular case before the date that these Regulations come into force with respect to that type of case,—

- (a) interest has become due but has not been paid; ▶<sup>2</sup> or◀
- (b) the Secretary of State has made a payment by way of reimbursement under section 41B(2) of the Act; ▶<sup>2</sup>◀
- (c) ▶<sup>2</sup>◀

<sup>2</sup>Words inserted in reg. (1)(a) & head (i), omitted in reg. (1)(b) & head (ii) and reg. 1(c) & head (iii) deleted by reg. 6(3)(a) - (c) of S.I. 2006/1520 as from 12.7.06.

these Regulations shall not apply for the purposes of—

- (i) the recovery of the interest referred to in sub-paragraph (a); ▶<sup>2</sup> or◀
- (ii) the repayment to the Secretary of State of the whole, or part, of the sum reimbursed referred to in sub-paragraph (b); ▶<sup>2</sup>◀
- (iii) ▶<sup>2</sup>◀

(2) Where in respect of a particular case after the date that these Regulations come into force with respect to that type of case an adjustment falls to be made in relation to a maintenance assessment, these Regulations shall not apply for the purposes of making the adjustment.

(3) Where, before the coming into force of regulation 4 of these Regulations, fees have become due but have not been paid, the Fees Regulations shall have effect as if regulation 4 of these Regulations had not been made.

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

18th January 2001

*P. Hollis*  
Parliamentary Under-Secretary of State,  
Department of Social Security

(a) S.I. 1992/1989. Relevant amending instruments are S.I. 1993/913, 1994/227, 1995/3261, 1996/1945, 1998/58, 1999/977 and 1999/1510.

(b) S.I. 1992/2643, as amended by S.I. 1993/913.

(c) S.I. 1992/3094. Relevant amending instruments are S.I. 1994/227, 1995/1045, 1996/1345, 1996/1945 and 1999/977.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Child Support (Collection and Enforcement) Regulations 1992 (“the Collection and Enforcement Regulations”), the Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations 1992 (“the Collection and Enforcement of Other Forms of Maintenance Regulations”) and the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 (“the Arrears, Interest and Adjustment Regulations”) and revoke, with savings provisions, the Child Support Fees Regulations 1992 (“the Fees Regulations”). The amendments reflect amendments made to the Child Support Act 1991 (c. 48) (“the Act”) by the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”).

Regulation 1 deals with citation, commencement and interpretation. Apart from regulations 4 and 6(3) which come into force on 2nd April 2001 and regulation 2(6)(c) and (9) which comes into force on the day on which section 16 of the 2000 Act comes into force, these Regulations come into force at different times for different cases according to the dates on which provisions of the 2000 Act which are relevant to these Regulations are commenced for different types of cases.

Regulation 2 amends the Collection and Enforcement Regulations. Regulation 2(2) substitutes regulation 1(2) of the Collection and Enforcement Regulations to include definitions of terms referred to in the amendments to those regulations and amends regulation 1(3) of those regulations.

Regulation 2(3), (6)(a), (7) and (8) makes various amendments to reflect changes in terminology in the Act, changes to the method of collecting fees and methods of payment, the introduction into the Act of the ability to make voluntary payments in the period before a maintenance calculation is made, and the introduction into the Act of a system of penalty payments.

Regulation 2(4) inserts Part IIA in the Collection and Enforcement Regulations to provide for the collection of penalty payments.

Regulation 2(5) makes amendments to the Collection and Enforcement Regulations to reflect changes in the Act relating to deduction from earnings orders and also to reflect changes in terminology and provisions dealing with the collection of interest, fees and penalty payments.

Regulation 2(6)(c) inserts regulation 35 in the Collection and Enforcement Regulations, which makes provision in relation to disqualification from driving orders. The regulation provides for the procedures to be followed on the making of such orders.

Regulation 2(9) inserts the Schedule to these Regulations as Schedule 4 to the Collection and Enforcement Regulations, which is a form of order of disqualification from holding or obtaining a driving licence.

Regulation 3 amends the Collection and Enforcement of Other Forms of Maintenance Regulations to reflect changes in terminology in the Act.

Regulation 4 provides that the Fees Regulations shall be revoked.

Regulation 5 amends the Arrears, Interest and Adjustment Regulations to reflect changes in terminology and other amendments to the Act.

Regulation 6 provides for savings.

The impact on business of these Regulations was covered in the Regulatory Impact Assessment (RIA) for the 2000 Act, in accordance with which, and in consequence of which, these Regulations are made. A copy of that RIA has been placed in the libraries of both Houses of Parliament and can be obtained from the Department of Social Security, Regulatory Impact Unit, Adelphi, 1-11 John Adam Street, London WC2N 6HT.

