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STATUTORY INSTRUMENTS

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**2001 No. 162**

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

**Amendment of the Arrears, Interest and Adjustment Regulations**

5.—(1) The Arrears, Interest and Adjustment Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2) of regulation 1 (interpretation)—

(a) the following definitions shall be omitted: “absent parent”, “due date”, “Maintenance Assessments and Special Cases Regulations” and “Maintenance Assessment Procedure Regulations”;

(b) after the definition of “arrears notice” there shall be inserted—

““Maintenance Calculation Procedure Regulations” means the Child Support (Maintenance Calculation Procedure) Regulations 2000(1);”;

(c) before the definition of “parent with care” there shall be inserted—

““non-resident parent” includes a person treated as such under regulation 8 of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(2);”;  
and

(d) in the definition of “relevant person”, for “Maintenance Assessment Procedure Regulations” there shall be substituted “Maintenance Calculation Procedure Regulations”.

(3) In Part II (arrears of child support maintenance and interest on arrears)—

(a) in the heading to the Part, “and interest on arrears” shall be omitted;

(b) in regulation 2—

(i) in the heading, “and interest” shall be omitted;

(ii) in paragraphs (1) and (3)(b), for “regulations 3 to 9”, there shall be substituted “regulations 5 and 8”;

(iii) in paragraph (3)(b), “and interest” shall be omitted; and

(iv) in paragraphs (2), (3)(c) and (4), for “absent parent” there shall be substituted “non-resident parent”;

(c) in regulation 5—

(i) in paragraphs (1) and (5), for “absent parent” there shall be substituted “non-resident parent”; and

(ii) paragraphs (3), (4) and (6) shall be omitted;

(d) in regulation 8—

(i) in paragraphs (1)(i) and (2), for “absent parent” there shall be substituted “non-resident parent”; and

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(1) S.I. 2001/157.

(2) S.I. 2001/155.

- (ii) in paragraph (2), for “maintenance assessment” there shall be substituted “maintenance calculation”; and
- (e) regulations 3, 4, 6 and 7 shall be omitted.
- (4) In Part III (attribution of payments and adjustment of the amount payable under a maintenance assessment)—
  - (a) in the heading to the Part and the heading to regulation 10, for “assessment” there shall be substituted “calculation”;
  - (b) in regulation 9, paragraphs (1) and (4) of regulation 10 and paragraph (1) of regulation 10A for “assessment” wherever it appears there shall be substituted “calculation”;
  - (c) in regulation 9, paragraph (1)(b)(i) of regulation 10 and paragraph (1) of regulation 10A, for “absent parent” there shall be substituted “non-resident parent”;
  - (d) in regulation 10—
    - (i) in paragraph (1) the words “new or fresh” shall be omitted;
    - (ii) after paragraph (3) there shall be inserted—
      - “(3A) Where there has been a voluntary payment, the Secretary of State may—
        - (a) apply the amount of the voluntary payment to reduce any arrears of child support maintenance due under any previous maintenance calculation made in respect of the same relevant persons; or
        - (b) where there is no previous relevant maintenance calculation or an amount of the voluntary payment remains after the application of sub-paragraph (a), and subject to paragraph (4), adjust the amount payable under a current maintenance calculation by such amount as he considers appropriate in all the circumstances of the case having regard in particular to—
          - (i) the circumstances of the non-resident parent and the person with care;
          - (ii) the amount of the voluntary payment in relation to the amount due under the current maintenance calculation; and
          - (iii) the period over which it would be reasonable for the voluntary payment to be taken into account.”;
  - (iii) in paragraph (4)—
    - (aa) for the words “(2) or (3)” there shall be substituted “(3A) or regulation 15D of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(3)”; and
    - (bb) for the words “the minimum amount prescribed under paragraph 7” there shall be substituted “an amount equivalent to a flat rate fixed by paragraph 4(1)”;
- (e) in regulation 10A(1)—
  - (i) in sub-paragraph (a), the words “family credit or disability working allowance” shall be omitted; and
  - (ii) sub-paragraph (b) shall be omitted; and
- (f) after regulation 10A there shall be inserted—

**“Repayment of a reimbursement of a voluntary payment**

**10B.** The Secretary of State may require a relevant person to repay the whole or any part of any payment by way of reimbursement made to a non-resident parent under section 41B(2) of the Act where—

- (a) a voluntary payment was made;
- (b) section 41B(1A) applies; and

income support or income-based jobseeker’s allowance was not in payment to that person at any time during the period in which the voluntary payment was made or at the date or dates on which the payment by way of reimbursement was made.”.