
STATUTORY INSTRUMENTS

2009 No. 3151

**The Child Support (Management of
Payments and Arrears) Regulations 2009**

[^{F1}PART 4B

Write Off of Arrears

[^{F1}Secretary of State required to give notice

13H.—(1) Where the Secretary of State is considering exercising the powers under section 41E(1) of the 1991 Act, the Secretary of State must send written notice to the person with care or, where relevant, a child in Scotland and the non-resident parent.

[
^{F2}(1A) Where the arrears fall within regulation 13(K)(1)(c) or (e) or (2)(c) the requirement under paragraph (1) to send written notice to the non-resident parent only applies where the Secretary of State receives written representations within the period of 60 days beginning with the date the notice is received by the person with care or, where relevant, a child in Scotland.]

(2) The requirement in paragraph (1) does not apply where the person in question cannot be traced or has died [^{F3}or the arrears fall within regulations 13G(i)[^{F4}, 13G(j)], [^{F5}13G(k), 13G(l),] 13K(1)(a), 13K(1)(b), 13K(1)(d), 13K(2)(a) or 13K(2)(b)].

(3) The notice must—

- (a) specify the person with care or, where relevant, a child in Scotland, in respect of whom liability in respect of arrears of child support maintenance has accrued;
- (b) specify the amount of the arrears [^{F6}except where the arrears fall within regulation 13K(1)(c)] and the period of liability to which the arrears relate [^{F7}except where the arrears fall within regulation 13K(1)(c) or (e) or (2)(c)];
- (c) state why it appears to the Secretary of State that it would be unfair or inappropriate to enforce liability in respect of the arrears;
- (d) [^{F8}subject to paragraph 3(da)] advise the person that they may make representations, within 30 days of receiving the notice, to the Secretary of State as to whether the liability in respect of the arrears should be extinguished;^{F9} ...

- [where the arrears fall within regulation 13K(1)(c) or (e) or (2)(c)—
- ^{F10}(da) (i) advise the person with care or, where relevant, a child in Scotland that they may make written representations as to whether the liability in respect of the arrears should be extinguished, and that any such representations must be sent by post [^{F11}, or electronic communication in accordance with Schedule 1,] to the Secretary of State within the period of 60 days beginning with the date the notice is received;
- (ii) where a notice is sent to the non-resident parent in accordance with paragraph (1A), advise the non-resident parent that they may make written representations which

must be sent by post^{F12}, or electronic communication in accordance with Schedule 1,] to the Secretary of State within the period of 21 days beginning with the date the notice is received; and]

- (e) explain the effect of any decision to extinguish liability in respect of any arrears of child support maintenance under section 41E(1) of the 1991 Act.

(4) ^{F13}[Subject to paragraph 4A, if] no representations are received by the Secretary of State within 30 days of the notice being received by the person with care or, where relevant, a child in Scotland and the non-resident parent, the Secretary of State may make the decision to extinguish the arrears.

[^{F14}(4a) Where any of the conditions of write off mentioned in regulation 13K(1)(c) or (e) or (2)(c) apply, if no written representations are received by the Secretary of State within the period of 60 days beginning with the date the notice is received by the person with care or, where relevant, a child in Scotland, the Secretary of State may make the decision to extinguish the arrears.]

(5) For the purposes of this regulation, where the Secretary of State sends any written notice by post to a person's last known or notified ^{F15}[postal address] that document is treated as having been received by that person on the second day following the day on which it is posted.]

^{F16}(6) For the purposes of this regulation, where the Secretary of State sends any written notification by electronic communication to a person's last known or notified address for electronic communication, that document is treated as having been received by that person at the end of the first day after the day it was sent.]

Textual Amendments

- F1** Part 4A - 4B inserted (8.10.2012 for specified purposes by virtue of 2008 c. 6, ss. 32, 33 being brought into force for specified purposes on that date by S.I. 2012/2523, art. 2(2)(d)) by [The Child Support \(Management of Payments and Arrears\) \(Amendment\) Regulations 2012 \(S.I. 2012/3002\)](#), regs. 1, **2(3)**
- F2** Reg. 13H(1A) inserted (13.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), **4(4)(a)**
- F3** Words in reg. 13H(2) inserted (13.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), **4(4)(b)**
- F4** Word in reg. 13H(2) inserted (4.7.2019) by [The Child Support \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1084\)](#), regs. 1(3), **9(3)**
- F5** Words in reg. 13H(2) inserted (26.2.2024) by [The Child Support \(Management of Payments and Arrears and Fees\) \(Amendment\) Regulations 2024 \(S.I. 2024/87\)](#), regs. 1(2), **5**
- F6** Words in reg. 13H(3)(b) inserted (13.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), **4(4)(c)(i)**
- F7** Words in reg. 13H(3)(b) inserted (13.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), **4(4)(c)(ii)**
- F8** Words in reg. 13H(3)(d) inserted (13.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), **4(4)(d)**
- F9** Word in reg. 13H(3)(d) omitted (13.12.2018) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), **4(4)(d)**
- F10** Reg. 13H(3)(da) inserted (13.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), **4(4)(e)**
- F11** Words in reg. 13H(3)(da)(i) inserted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **16(a)**
- F12** Words in reg. 13H(3)(da)(ii) inserted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **16(a)**

- F13** Words in reg. 13H(4) substituted (13.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), **4(4)(f)**
- F14** Reg. 13H(4a) inserted (13.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), **4(4)(g)**
- F15** Words in reg. 13H(5) substituted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **16(b)**
- F16** Reg. 13H(6) inserted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), **16(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Management of Payments and Arrears) Regulations 2009, Section 13H.