
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the Child Support (Collection and Enforcement) Regulations 1992 (S.I. 1992/1989) (“the 1992 Regulations”) and amend the Child Support Fees Regulations 2014 (S.I. 2014/612) (“the Fees Regulations”).

Regulation 2 modifies the 1992 Regulations for the purposes of cases administered under the 2012 scheme of child support. Paragraph (2)(b) modifies regulation 25I(2) so that a regular deduction order may be varied where there are arrears that are not already included in the order. This modification will cease to have effect on 22nd May 2021. Paragraphs (2)(a) and (3) to (6) make modifications in connection with the charging of fees under the Fees Regulations. Modifications are made to provisions relating to regular deduction orders and lump sum deduction orders so that, where relevant, reference is made to fees.

Regulation 3 amends the Fees Regulations and ceases to have effect on 22nd May 2021. Paragraph (2) makes amendments so that an enforcement fee of £50 is payable by a non-resident parent in certain circumstances. The circumstances are where a case satisfies new regulation 12A(2), the Secretary of State determines that the payment arrangement in place in the case is to end and the deduction from earnings order referred to in regulation 12A(2)(c) is then varied. The fee is only payable on the first occasion the order is varied. Paragraph (3) makes amendments so that the fee may be waived in certain circumstances.

Paragraph (4) inserts new regulation 12A into the Fees Regulations so that collection fees (a fee payable in a case where the Secretary of State arranges for collection of child maintenance) and enforcement fees (a fee payable where the Secretary of State takes enforcement action) may be waived in certain segment 5 cases. A segment 5 case is one with the meaning given in the scheme prepared by the Secretary of State under the Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations 2014 (S.I. 2014/614) (“the Ending Liability Regulations”).

Collection fees and enforcement fees may be waived in a case that satisfies the following conditions (set out in regulation 12A(2)). The person with care, non-resident parent and qualifying child must be the same person with care, non-resident parent (or absent parent) and qualifying child as in an existing case (that is, a case on the 1993 or 2003 child support scheme). In the existing case, a notice must have been given under the Ending Liability Regulations that specified a date for liability ending determined in accordance with regulation 6(1)(b) of those Regulations. The existing case must have been a segment 5 case on the date that notice was printed and the notice must have been sent on or after 23rd May 2016. An application for a maintenance calculation must have been made before liability in the existing case ended. The Secretary of State must have specified that child support maintenance (payable under the 2012 scheme) is to be paid by certain methods of payment with the purpose of enabling the non-resident parent to demonstrate that payments will still be made if there are no arrangements for collection or enforcement (“the payment arrangement”). The first payment to be made in accordance with the payment arrangement must be the first payment of 2012 scheme child support maintenance due in the case.

Collection fees and enforcement fees may only be waived during the relevant period, which begins on the date the 2012 scheme rules come into force in the case and ends on the date the Secretary of State makes a determination that the payment arrangement is to end.

An impact assessment has not been published for this instrument as it has no impact on the private sector and civil society organisations.

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations 2016.