
STATUTORY INSTRUMENTS

2024 No. 87

The Child Support (Management of Payments and Arrears and Fees) (Amendment) Regulations 2024

PART 2

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

Interpretation

2. In this Part “the 2009 Regulations” means the Child Support (Management of Payments and Arrears) Regulations 2009⁽¹⁾.

Amendment of the 2009 Regulations

3. The 2009 Regulations are amended in accordance with regulations 4 to 6.

Amendment to regulation 13G (circumstances in which the Secretary of State may exercise the power in section 41E of the 1991 Act)

4. In regulation 13G—

(a) omit the “or” after paragraph (i);

(b) at the end of paragraph (j) insert—

“;

(k) the arrears relate to liability for child support maintenance accrued under a 2012 scheme case⁽²⁾ where all of the following apply—

(i) a maintenance calculation⁽³⁾ has ceased to have effect under one or more of the following provisions of the 1991 Act—

(aa) section 4(5) and (6) (a person who requested a maintenance calculation requests the Secretary of State to cease acting)⁽⁴⁾;

⁽¹⁾ [S.I. 2009/3151](#); relevant amending instruments are [S.I. 2012/3002](#), [S.I. 2018/1279](#), [S.I. 2019/1084](#) and [S.I. 2022/503](#).

⁽²⁾ “a 2012 scheme case” is defined in regulation 2(1) of [S.I. 2009/3151](#) and was inserted by regulation 4(2)(a) of [S.I. 2018/1279](#).

⁽³⁾ “maintenance calculation” is defined in section 54 of the Child Support Act 1991 ([c. 48](#)) and was inserted by paragraph 11(20) (d) of Schedule 3 to the Child Support, Pensions and Social Security Act ([c. 19](#)) and applies differently to cases specified in article 3 of [S.I. 2003/192](#).

⁽⁴⁾ Section 4(5) of the Child Support Act 1991 ([c. 48](#)) was amended by paragraph 3(6) of Schedule 3 to the Child Maintenance and Other Payments Act 2008 ([c. 6](#)) and paragraph 3(e) of the Schedule to the Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 ([S.I. 2012/2007](#)). Section 4(6) of the Child Support Act 1991 ([c. 48](#)) was amended by paragraph 3(7) of Schedule 3 to the Child Maintenance and Other Payments Act 2008 ([c. 6](#)) and paragraph 3(f) of the Schedule to the Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 ([S.I. 2012/2007](#)).

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- (bb) section 7(6) and (7) (child in Scotland who requested a maintenance calculation requests the Secretary of State to cease acting)(5);
- (cc) Schedule 1, paragraph 16(1) (termination of calculations)(6),
- (ii) the arrears are less than £7, and
- (iii) the non-resident parent(7) has failed to make any payments within the 3 month period which precedes the date of the decision of the Secretary of State under section 41E(1) of the 1991 Act (power to write off arrears)(8); or
- (l) the arrears relate to liability for child support maintenance accrued under a 2012 scheme case where all of the following apply—
 - (i) the Secretary of State does not have jurisdiction to make a maintenance calculation under section 44 of the 1991 Act(9),
 - (ii) as a result of sub-paragraph (i), the Secretary of State has made a supersession decision under section 17(1) of the 1991 Act(10),
 - (iii) the arrears are less than £7, and
 - (iv) the non-resident parent has failed to make any payments within the 3 month period which precedes the date of the decision of the Secretary of State under section 41E(1) of the 1991 Act (power to write off arrears).”.

Amendment to regulation 13H (Secretary of State required to give notice)

5. In regulation 13H, in paragraph (2) (Secretary of State required to give notice: exceptions), after “13G(j),” insert “13G(k), 13G(l),”.

Amendment to regulation 13J (notification of decision to write off)

6. In regulation 13J, in paragraph (2) (notification of decision to write off: exceptions), for “regulation 13K(1)(a) or (2)(a)” substitute “regulations 13G(k) or (l) or 13K(1)(a) or (2)(a)”.

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- (5) Section 7(6) and (7) of the Child Support Act 1991 (c. 48) were amended by paragraph 5(6) of Schedule 3 to the Child Maintenance and Other Payments Act 2008 (c. 6) and paragraph 4(e) of the Schedule to the Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007).
 - (6) Paragraph 16(1) of Schedule 1 to the Child Support Act 1991 (c. 48) applies differently to cases specified in article 3 of S.I. 2003/192. Paragraph 16(1) was amended by section 1(2), paragraphs 11(2) and 22(c)(i) of Schedule 3 and Part 1 of Schedule 9 to the Child Support, Pensions and Social Security Act 2000 (c. 19).
 - (7) “non-resident parent” is defined in section 3(2) of the Child Support Act 1991 (c. 48) and was amended by paragraph 11(2) of Schedule 3 to the Child Support, Pensions and Social Security Act 2000.
 - (8) Section 41E of the Child Support Act 1991 (c. 48) was inserted by section 33 of the Child Maintenance and Other Payments Act 2008 (c. 6) and amended by paragraph 85 of the Schedule to the Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007).
 - (9) Section 44 of the Child Support Act 1991 (c. 48) was amended by paragraph 41 of Schedule 7 to the Social Security Act 1998 (c. 14); sections 1(2) and 22, paragraph 11(2) of Schedule 3 and Part 1 of Schedule 9 to the Child Support, Pensions and Social Security Act 2000 (c. 19); paragraph 123 of Schedule 1 to the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941); paragraph 13 of Schedule 7 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I.2011/1484); paragraph 55 of the Schedule to the Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007) and paragraph 19 of the Schedule to the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/519).
 - (10) Section 17(1) of the Child Support Act 1991 (c. 48) was inserted by section 41 of the Social Security Act 1998 (c. 14) and amended by section 9(2), Part 1 of Schedule 9 to the Child Support, Pensions and Social Security Act 2000 (c. 19); paragraph 13 of Schedule 3 and Schedule 8 to the Child Maintenance and Other Payments Act 2008 (c. 6); paragraph 79 of Schedule 3 to the Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833); paragraph 2(2) of Schedule 12 to the Welfare Reform Act 2012 (c. 5) and paragraph 12(2) of the Schedule to the Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I.2012/2007).