STATUTORY INSTRUMENTS

2016 No. 439

FAMILY LAW

CHILD SUPPORT

The Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations 2016

Made - - - -	*23rd March 2016*
Coming into force - -	*23rd May 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 32C(1) and (2)(l), (n) and (p), 32J(1) and (2)(g) and (i), 51(1), 52(4) and 54 of the Child Support Act 1991(**1**) and sections 6(1) to (3) and 55(3) and (4) of the Child Maintenance and Other Payments Act 2008(**2**).

A draft of this instrument was laid before and approved by a resolution of each House of Parliament in accordance with section 52(2) of the Child Support Act 1991(**3**) and section 55(5) of the Child Maintenance and Other Payments Act 2008(**4**).

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations 2016 and come into force on 23rd May 2016.

(2) Regulations 2(2)(b) and 3 cease to have effect on 22nd May 2021 and the Child Support Fees Regulations 2014(**5**) apply thereafter as if the amendments made to them by regulation 3 had not been made.

Commencement Information

I1 Reg. 1 in force at 23.5.2016, see **reg. 1(1)**

(**1**) 1991 c. 48. Sections 32C and 32J were inserted into the Child Support Act 1991 ("the 1991 Act") by sections 22 and 23 of the Child Maintenance and Other Payments Act 2008 (c. 6) ("the 2008 Act").

(**2**) 2008 c. 6. Section 6(2) was amended by section 140 of the Welfare Reform Act 2012 (c. 5).

(**3**) Section 52(2) was substituted by section 25 of the Child Support, Pensions and Social Security Act 2000 (c. 19) ("the 2000 Act") and amended by paragraphs 1(1) and (22) of Schedule 7 and Schedule 8 to the 2008 Act and paragraphs 4 and 8 of Schedule 11 to the Welfare Reform Act 2012.

(**4**) Section 55(5) was amended by S.I. 2012/2007.

(**5**) S.I. 2014/612.

Modification of the Child Support (Collection and Enforcement) Regulations 1992

2.—(1) The Child Support (Collection and Enforcement) Regulations 1992(**6**) are modified as follows in relation to a case in which liability to pay child support maintenance is calculated in accordance with Part 1 of Schedule 1 (calculation of weekly amount of child support maintenance) to the Child Support Act 1991(**7**) as amended by paragraph 2 of Schedule 4 (changes to the calculation of maintenance) to the Child Maintenance and Other Payments Act 2008.

(2) Regulation 25I(2) (variation of a regular deduction order) has effect as if—

(a) in sub-paragraph (a)—

(i) in paragraph (i) after "arrears" there were inserted "or a payment towards an enforcement fee";

(ii) in paragraph (ii) after "maintenance" there were inserted "and, where payable, fees";

F1(b) . . . . . .

(c) there were inserted at the end of sub-paragraph (d)—

"; or

(e) there are arrears that are not included in the order.".

(3) Regulation 25J(2)(a) (lapse of a regular deduction order) has effect as if after "maintenance calculation" there were inserted "and an alternative method of payment of fees (where payable)".

(4) Regulation 25L(1)(b) (discharge of a regular deduction order) has effect as if after "(payment of child support maintenance)" there were inserted "and any fees have been paid in full".

(5) Regulation 25S(2)(c) (lapse of a lump sum deduction order) has effect as if after "maintenance calculation" there were inserted "and an alternative method of payment of fees (where payable)".

(6) Regulation 25U(1) (discharge of a lump sum deduction order) has effect as if—

(a) in sub-paragraph (b) after "(payment of child support maintenance)" there were inserted "and any fees specified in the order have been paid in full";

(b) in sub-paragraph (c) after "and the liable person" there were inserted "and the total amount of any fees specified in the order have been paid".

F1 Reg. 2(2)(b) ceases to have effect by virtue of (22.5.2021) by virtue of The Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations 2016 (S.I. 2016/439), **reg. 1(2)**

Commencement Information

I2 Reg. 2 in force at 23.5.2016, see **reg. 1(1)**

Amendment of the Child Support Fees Regulations 2014

3.—F2F2(...) . . . . . .

F2 . . . . . .

F2 . . . . . .

(**6**) S.I. 1992/1989. Regulations 25A to 25AD were inserted by S.I. 2009/1815. References to "the Commission" in these Regulations were replaced with references to "the Secretary of State" by S.I. 2012/2007. S.I. 1992/1989 was amended by S.I. 2014/1386 which was amended by S.I. 2014/1621. The effect of this (insofar as is relevant) is that regulation 2 of S.I. 2014/1386 modifies S.I. 1992/1989 in relation to cases administered under the 2012 scheme of child support.

(**7**) Part 1 of Schedule 1 to the 1991 Act was substituted by section 1(3) of, and Schedule 1 to, the 2000 Act and amended by Schedule 4 to the 2008 Act.

F2 • “ . . . . . ”.

F2 Reg. 3 ceases to have effect by virtue of (22.5.2021) by virtue of The Child Support (Deduction Orders and Fees) (Amendment and Modification) Regulations 2016 (S.I. 2016/439), **reg. 1(2)**

Signed by authority of the Secretary of State for Work and Pensions

Altmann,
Minister of State,
Department for Work and Pensions