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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 182**

**The Child Support Fees Regulations (Northern Ireland) 2014**

**PART 3**

**Enforcement fee**

**Interpretation of this Part**

5. For the purposes of this Part—

“armed forces” means the naval, military and air forces of the Crown;

“child support maintenance” means child support maintenance calculated under Part 1 of Schedule 1 to the Child Support Order as amended by Schedule 1 to the 2008 Act;

“committed to operations” means deployed on an operational tour of duty and includes pre-operational training and leave, rest and recuperation during an operational tour of duty and post-operational leave;

“deduction from earnings order” means an order made under Article 31(2) of the Child Support Order(1) and, with the exception of where it appears in regulation 8(4)(b) (waiver of an enforcement fee), includes a deduction from earnings request;

“deduction from earnings request” means a request from the Department in respect of a non-resident parent, who is a member of the armed forces and who is liable to pay child support maintenance, for a sum to be deducted from that non-resident parent’s pay and appropriated in or towards satisfaction of the non-resident parent’s obligation to pay child support maintenance;

“liability order” means an order made under Article 33(3) of the Child Support Order;

“lump sum deduction order” means an order made under Article 32E(1) of the Child Support Order(2); and

“regular deduction order” means an order made under Article 32A(1) of the Child Support Order(3).

**Enforcement fee**

6. An enforcement fee of an amount set out in column (2) of the table is payable to the Department by a non-resident parent when the Department takes a method of enforcement action specified in column (1) of the table to secure payment of child support maintenance.

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(1) Article 31(2) was amended by section 1(2)(a) of the 2000 Act

(2) Article 32E(1) was inserted by section 15 of the Child Maintenance Act (Northern Ireland) 2008

(3) Article 32A(1) was inserted by section 14 of the Child Maintenance Act (Northern Ireland) 2008

Column (1) <i>Enforcement Action</i>	Column (2) <i>Fee Payable</i>
(i) Making a deduction from earnings order	£50
(ii) Making a regular deduction order	£50
(iii) Making a lump sum deduction order	£200
(iv) Making an application for a liability order	£300

### **Recovery of an enforcement fee**

7. An enforcement fee payable by a non-resident parent under regulation 6 (enforcement fee) may be recovered by the Department from any payment made by that non-resident parent to the Department.

### **Waiver of an enforcement fee**

8.—(1) An enforcement fee payable under regulation 6 may be waived by the Department in the circumstances specified in paragraphs (2) to (6).

(2) The circumstances specified in this paragraph are where an additional enforcement fee is payable with respect to concurrent or subsequent action of the same type taken by the Department in circumstances where—

- (a) the non-resident parent has more than one employer at the same time and the Department makes two or more deduction from earnings orders; or
- (b) the non-resident parent holds more than one account with a deposit-taker and the Department makes more than one regular deduction order or lump sum deduction order simultaneously.

(3) The circumstances specified in this paragraph are where an additional enforcement fee is payable with respect to action taken to make an additional deduction from earnings order or additional regular deduction order in circumstances where—

- (a) the non-resident parent has changed employer;
- (b) the non-resident parent has changed their account held with a deposit-taker; or
- (c) the amount being collected under a prior deduction from earnings order or a prior regular deduction order has changed.

(4) The circumstances specified in this paragraph are where—

- (a) an application for a liability order is made to a court, but no liability order results from the application;
- (b) a successful appeal or a successful challenge by way of judicial review has been made against the making of a deduction from earnings order, a regular deduction order or a lump sum deduction order; or
- (c) a deduction from earnings order, a regular deduction order or a lump sum deduction order has lapsed or been discharged due to an error or maladministration by the Department.

(5) The circumstances specified in this paragraph are where a non-resident parent elects to pay child support maintenance by way of a deduction from earnings order.

(6) The circumstances specified in this paragraph are where a deduction from earnings request is made when the non-resident parent to which it relates is committed to operations.