



## 2008 CHAPTER 10

### PART 1 **N.I.**

#### ADDITIONAL FUNCTIONS OF THE DEPARTMENT

##### Fees **N.I.**

3.—(1) The Department may by regulations make provision about the charging of fees by the Department in connection with the exercise of its functions relating to child support.

(2) Regulations under subsection (1) may, in particular, make provision

- (a) about when a fee may be charged;
- (b) about the amount which may be charged;
- (c) for the supply of information needed for the purpose of determining the amount which may be charged;
- (d) about who is liable to pay any fee charged [<sup>F1</sup>(including provision for the apportionment of fees and the matters to be taken into account in determining an apportionment)] ;
- (e) about when any fee charged is payable;
- (f) about the recovery of fees charged;
- (g) about <sup>F2</sup>... reduction or repayment of fees.

[<sup>F3</sup>(h) about waiver of fees (including the matters to be taken into account in determining a waiver).]

(3) The power conferred by subsection (1) includes power to make provision for the charging of fees which are not related to costs.

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*Changes to legislation: Child Maintenance Act (Northern Ireland) 2008, Section 3 is up to date with all changes known to be in force on or before 24 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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[<sup>F4</sup>(3A) The Department must review the effect of the first regulations made under subsection (1).

(3B) The review must take place before the end of the period of 30 months beginning with the day on which those regulations come into operation.

(3C) After the review, the Department must make and publish a report containing—

- (a) the conclusions of the review; and
- (b) a statement as to what the Department proposes to do in view of those conclusions.

(3D) The report must be laid before the Assembly by the Department.]

(4) The Department may by regulations provide that the provisions of the Child Support (Northern Ireland) Order 1991 (NI 23) (in this Act referred to as “the Child Support Order”) with respect to—

- (a) the collection of child support maintenance,
- (b) the enforcement of any obligation to pay child support maintenance,

shall apply equally (with any necessary modifications) to fees payable by virtue of regulations under subsection (1).

(5) The Department may by regulations make provision for a person affected by a decision of the Department under regulations under subsection (1) to have a right of appeal against the decision to an appeal tribunal.

(6) Paragraphs (3) to (5), (7) and (8) of Article 22 of the Child Support Order (appeals to appeal tribunals) apply to appeals under regulations under subsection (5) as they apply to appeals under that Article.

#### Textual Amendments

- F1** Words in s. 3(2)(d) inserted (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **130(2)(a)**; S.R. 2016/46, art. 3(5)(b)
- F2** Word in s. 3(2)(g) repealed (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **130(2)(b)**; S.R. 2016/46, art. 3(5)(b)
- F3** S. 3(2)(h) inserted (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **130(2)(c)**; S.R. 2016/46, art. 3(5)(b)
- F4** S. 3(3A)-(3D) inserted (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **130(3)**; S.R. 2016/46, art. 3(5)(b)

**Changes to legislation:**

Child Maintenance Act (Northern Ireland) 2008, Section 3 is up to date with all changes known to be in force on or before 24 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SR 2012/440 art. 3 by [S.R. 2014/194 art. 4](#)
- specified provision(s) amendment to earlier commencing SR 2013/201 art. 3 by [S.R. 2014/194 art. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 2 para. 3(3) inserted by [S.I. 2015/2006 \(N.I.\) art. 126\(2\)](#)