

# CHILD MAINTENANCE AND OTHER PAYMENTS ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: The Child Maintenance and Enforcement Commission**

##### ***Section 6: Fees***

75. *Section 6* gives regulation-making powers to the Secretary of State to enable the Commission to charge fees in connection with the exercise of its functions.
76. *Subsection (2)* gives a non-exhaustive list of provisions that may be included in regulations. This includes:
- when a fee may be charged;
  - the amount of fee to be charged;
  - the information required to determine the amount to be charged;
  - who is liable to pay any fee charged;
  - when a fee is payable;
  - recovery of fees charged; and
  - when a fee may be waived, reduced or repaid.
77. *Subsection (3)* provides that the regulations may permit the Commission to charge fees which are not related to the cost of it of carrying out its functions.
78. *Subsection (4)* allows the Secretary of State to provide by regulations that the collection and enforcement measures in the Child Support Act 1991 also apply to fees payable.
79. *Subsection (5)* provides that the Secretary of State may by regulations make provision for a person affected by a decision of the Commission under regulations made under *subsection (1)* to have a right of appeal against the decision to an appeal tribunal.
80. *Subsection (6)* provides that subsections (3) to (5), (7) and (8) of Section 20 of the Child Support Act 1991 (appeals to appeal tribunals) will also apply to appeals against a decision of the Commission concerning fees.
81. *Subsection (7)* requires the Commission to pay into the Consolidated Fund any amount which it receives in fees.