



Child Maintenance and Other Payments Act 2008

2008 CHAPTER 6

PART 3

CHILD SUPPORT ETC.

Collection and enforcement

20 Use of deduction from earnings orders as basic method of payment

In section 29 of the Child Support Act 1991 (c. 48) (under which payments of child support maintenance are to be made in accordance with regulations) at the end insert—

- “(4) If the regulations include provision for payment by means of deduction in accordance with an order under section 31, they must make provision—
- (a) for that method of payment not to be used in any case where there is good reason not to use it; and
 - (b) for the person against whom the order under section 31 would be made to have a right of appeal to a magistrates' court (or, in Scotland, to the sheriff) against a decision that the exclusion required by paragraph (a) does not apply.
- (5) On an appeal under regulations made under subsection (4)(b) the court or (as the case may be) the sheriff shall not question the maintenance calculation by reference to which the order under section 31 would be made.
- (6) Regulations under subsection (4)(b) may include—
- (a) provision with respect to the period within which a right of appeal under the regulations may be exercised;
 - (b) provision with respect to the powers of a magistrates' court (or, in Scotland, of the sheriff) in relation to an appeal under the regulations.

Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Section 20. (See end of Document for details)

- (7) If the regulations include provision for payment by means of deduction in accordance with an order under section 31, they may make provision—
- (a) prescribing matters which are, or are not, to be taken into account in determining whether there is good reason not to use that method of payment;
 - (b) prescribing circumstances in which good reason not to use that method of payment is, or is not, to be regarded as existing.”

Commencement Information

- II** S. 20 wholly in force at 27.10.2008; s. 20 not in force at Royal Assent see s. 62; s. 20 in force for certain purposes at 26.9.2008 and in force at 27.10.2008 for all other purposes by S.I. 2008/25488, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Section 20.