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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about the charging of fees by the Secretary of State in connection with the exercise of the Secretary of State's functions with regards to child support maintenance.

Regulation 3 provides that when an application for child support maintenance is made a fee of £20 is payable by the person who makes the application. The Secretary of State is not obliged to determine an application for child support maintenance until the application fee is paid or is waived under regulation 4.

Regulation 4 provides that the application fee must be waived where the applicant is: under the age of 19 years; or a victim of domestic violence or abuse, has reported that domestic violence or abuse to an appropriate person, declares that he or she is a victim of domestic violence or abuse and states the appropriate person to whom he or she has reported domestic violence or abuse. An appropriate person is a person specified in "Guidance on regulation 4(3) of the Child Support Fees Regulations 2014: List of persons to whom an applicant must have reported domestic violence or abuse" published by the Secretary of State in December 2013. The guidance is available on the [www.gov.uk](http://www.gov.uk) website. Guidance on how the Secretary of State will determine if a person is a victim of domestic violence or abuse is available on the [www.gov.uk](http://www.gov.uk) website. A paper copy of either piece of guidance may be obtained, free of charge, from the Department for Work and Pensions, Child Support, Level 7, Caxton House, Tothill Street, London, SW1H 9NA.

Regulation 5 enables the Secretary of State to repay the application fee where the child in respect of whom the application is made dies before a maintenance calculation is made and as a result of the child's death a maintenance calculation will not be made.

Regulation 7 provides that a collection fee is payable in a case where arrangements for collection are made by the Secretary of State. A collection fee is payable by both the non-resident parent and the person in receipt of child support maintenance. The collection fee is only payable in a case where child support maintenance is calculated under the 2012 scheme and in respect of child support maintenance that has accrued since the coming into force of regulation 6.

The collection fee payable by a non-resident parent is normally 20% of the daily amount of child support maintenance that the non-resident parent is liable to pay. The collection fee payable by a person in receipt of child support maintenance is 4% of the child support maintenance that is collected by the Secretary of State and which would otherwise be paid to that person.

Regulation 8 makes provision for the recovery of the collection fee. The collection fee payable by the non-resident parent may be recovered from any payment made by that non-resident parent to the Secretary of State. The collection fee payable by the person in receipt of child support maintenance may be recovered from any payment of child support maintenance which would be otherwise paid to that person.

Regulation 10 makes provision for the payment of an enforcement fee by a non-resident parent where the Secretary of State makes a deduction from earnings order, a regular deduction order, a lump sum deduction order or an application for a liability order. An enforcement fee is only payable in a case where child support maintenance is calculated under the 2012 scheme.

Regulation 11 allows the Secretary of State to recover the enforcement fee from any payment made by the non-resident parent to the Secretary of State.

Regulation 12 prescribes circumstances in which an enforcement fee payable under regulation 10 may be waived.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Child Support Fees Regulations 2014 No. 612

Regulation 13 provides that the provisions of the 1991 Act with respect to the collection and enforcement of child support maintenance shall apply to the collection and enforcement of fees payable under these Regulations with certain exceptions.

Regulations 14 and 15 make supplemental amendments to the Social Security (Claims and Payments) Regulations 1987 and the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013. These amendments enable the Secretary of State to make deductions from prescribed benefits to include the collection fee payable under these Regulations by the non-resident parent.

An assessment of the impact of these Regulations on the costs of business and the voluntary sector is available from the Department for Work and Pensions, Child Support, Level 7, Caxton House, Tothill Street, London, SW1H 9NA and is annexed to the Explanatory Memorandum to these Regulations which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk)