
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Child Support Fees Regulations 2014

PART 2

Application fee

Interpretation of this Part

2. For the purposes of this Part—

“application fee” means the fee payable under regulation 3(1);

“application for child support maintenance” means an application for child support maintenance under section 4(1) (child support maintenance) or 7(1) (right of child in Scotland to apply for assessment) of the 1991 Act⁽¹⁾.

The application fee

3.—(1) On making an application for child support maintenance a fee of £20 is payable to the Secretary of State by the person making the application, whether or not a maintenance calculation is made under the 1991 Act as a result of that application.

(2) For the purposes of section 11(1) and (2) (maintenance calculations) of the 1991 Act⁽²⁾, the Secretary of State is not obliged to determine an application for child support maintenance until the application fee has been paid or is waived under regulation 4 (waiver of the application fee).

Waiver of the application fee

4.—(1) The application fee shall be waived where the person making the application for child support maintenance (“A”) satisfies one or both of paragraphs (2) and (3).

(2) A is under the age of 19 years at the time of making the application for child support maintenance.

(3) A—

(a) is in the opinion of the Secretary of State a victim of domestic violence or abuse⁽³⁾;

(b) has reported the domestic violence or abuse to an appropriate person; and

(c) declares to the Secretary of State that A is a victim of domestic violence or abuse and states to the Secretary of State the appropriate person to whom A has reported domestic violence or abuse, either—

(i) at the time of making the application for child support maintenance, or

(1) Section 4(1) of the Child Support Act 1991 (c. 48) (“the 1991 Act”) was amended by section 1(2)(a) of, and paragraph 11(2) of Schedule 3 to, the 2000 Act. Section 7(1) of the 1991 Act was amended by section 1(2)(a) of, and paragraph 11(2) of Schedule 3 to, the 2000 Act and by Schedule 8 to the Child Maintenance and Other Payments Act 2008 Act (c. 6) (“the 2008 Act”).

(2) Section 11(1) was substituted by section 1(1) of the 2000 Act.

(3) 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 website. A paper copy of the guidance may be obtained from the Department for Work and Pensions, Child Support, Level 7, Caxton House, Tothill Street, London, SW1H 9NA.

(ii) where the Secretary of State provides A with a written declaration to complete, in that written declaration (provided payment of the application fee has not been made prior to the date on which that declaration is returned to the Secretary of State).

(4) For the purposes of paragraph (3), “appropriate person” means 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(4).

Repayment of the application fee

5. An application fee that has been paid must be repaid by the Secretary of State to the person who made the application for child support maintenance where a qualifying child (which has the meaning given in section 3(1) (meaning of certain terms) of the 1991 Act) dies—

- (a) after the application for child support maintenance is made; and
- (b) before a maintenance calculation under the 1991 Act is made,

and as a result a maintenance calculation shall not be made.

(4) This guidance is available on the www.gov.uk website. A paper copy of the guidance may be obtained from the Department for Work and Pensions, Child Support, Level 7, Caxton House, Tothill Street, London, SW1H 9NA