



Child Support Act 1991

1991 CHAPTER 48

Collection and enforcement

[^{F1}41A] **Penalty payments.**

- (1) The Secretary of State may by regulations make provision for the payment to [^{F2}the [^{F3}Secretary of State]] by non-resident parents who are in arrears with payments of child support maintenance of penalty payments determined in accordance with the regulations.
- (2) The amount of a penalty payment in respect of any week may not exceed 25% of the amount of child support maintenance payable for that week, but otherwise is to be determined by the [^{F3}Secretary of State].
- (3) The liability of a non-resident parent to make a penalty payment does not affect his liability to pay the arrears of child support maintenance concerned.
- (4) Regulations under subsection (1) may, in particular, make provision—
 - (a) as to the time at which a penalty payment is to be payable;
 - (b) for the [^{F4}Secretary of State] to waive a penalty payment, or part of it.
- (5) The provisions of this Act with respect to—
 - (a) the collection of child support maintenance;
 - (b) the enforcement of an obligation to pay child support maintenance,apply equally (with any necessary modifications) to penalty payments payable by virtue of regulations under this section.
- (6) The [^{F5}Secretary of State] shall pay penalty payments received by [^{F5}the Secretary of State] into the Consolidated Fund.]

Textual Amendments

- F1** S. 41A substituted (10.11.2000 for specified purposes, 3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 18\(2\), 86\(1\)\(a\)\(2\)](#) (with ss. 28, 83(6)); S.I. 2000/2994, art. 2, Sch. Pt. 1; S.I. 2003/192, art. 3, Sch.

Changes to legislation: Child Support Act 1991, Section 41A is up to date with all changes known to be in force on or before 29 March 2024. 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

- F2** Words in s. 41A(1) substituted (1.11.2008) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 3 para. 44\(2\); S.I. 2008/2675](#), art. 3(b)
- F3** Words in s. 41A(1)(2) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 51(a)**
- F4** Words in s. 41A(4)(b) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 51(a)**
- F5** Words in s. 41A(6) substituted (1.8.2012) by [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), **Sch. para. 51(b)**

Modifications etc. (not altering text)

- C1** Ss. 29-41B modified by [The Child Support \(Transitional Provisions\) Regulations 2000 \(S.I. 2000/3186\), reg. 16\(2A\)](#) (as inserted (21.2.2003) by [S.I. 2003/328](#), regs. 1(3)(a), 9(7)(b))
- C2** S. 41A (as originally enacted) amended (14.7.2008 for specified purposes, 1.6.2009 in so far as not already in force) by [Child Maintenance and Other Payments Act 2008 \(c. 6\), s. 62\(3\), Sch. 7 para. 1\(34\)\(a\); S.I. 2008/1476](#), art. 2(3)(b)(4)(5); [S.I. 2009/1314](#), art. 2(2)(b)(i)

Changes to legislation:

Child Support Act 1991, Section 41A is up to date with all changes known to be in force on or before 29 March 2024. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 41A inserted by [1995 c. 34 s. 22](#)

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

- Act applied (with modifications) by [S.I. 2010/875 reg. 16Sch. 2](#)

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

- s. 4(3A)(3B) inserted by [2023 c. 24 s. 1\(2\)](#)
- s. 4(4)(d) and word inserted by [2023 c. 24 s. 1\(3\)\(b\)](#)
- s. 6(2A) inserted by [2008 c. 6 Sch. 3 para. 4\(2\)](#)
- s. 7(4A)(4B) inserted by [2023 c. 24 s. 2\(2\)](#)
- s. 7(5)(d) and word inserted by [2023 c. 24 s. 2\(3\)\(b\)](#)
- s. 9A inserted by [2012 c. 5 s. 138](#)
- s. 9A(1)(2) amendment to earlier affecting provision 2012 c. 5 s. 138 by [S.I. 2012/2007 Sch. para. 107\(2\)](#)
- s. 9A(3) amendment to earlier affecting provision 2012 c. 5 s. 138 by [S.I. 2012/2007 Sch. para. 107\(2\)](#)
- s. 9A(5) amendment to earlier affecting provision 2012 c. 5 s. 138 by [S.I. 2012/2007 Sch. para. 107\(3\)](#)
- s. 9A(6) amendment to earlier affecting provision 2012 c. 5 s. 138 by [S.I. 2012/2007 Sch. para. 107\(4\)](#)
- s. 20(1)(ba) amendment to earlier affecting provision 2008 c. 6 Sch. 7 para. 1(3) by [S.I. 2012/2007 Sch. para. 97\(2\)](#)
- s. 20(1)(ba) inserted by [2008 c. 6 Sch. 7 para. 1\(3\)](#)
- s. 20(2)(aa) inserted by [2008 c. 6 Sch. 7 para. 1\(4\)](#)
- s. 20(3A)(3B) amendment to earlier affecting provision 2012 c. 5 s. Sch. 11 para. 6(2) by [S.I. 2012/2007 Sch. para. 108\(3\)](#)
- s. 20(5A) inserted by [2008 c. 6 Sch. 7 para. 1\(5\)](#)
- s. 20(7A) amendment to earlier affecting provision 2008 c. 6 Sch. 7 para. 1(6) by [S.I. 2012/2007 Sch. para. 97\(3\)](#)
- s. 20(7A) inserted by [2008 c. 6 Sch. 7 para. 1\(6\)](#)
- s. 20(7A) words substituted by [S.I. 2008/2833 Sch. 3 para. 81\(b\)](#)
- s. 30(5A) added by [1995 c. 34 Sch. 3 para. 9](#)
- s. 31(8)(9) substituted for s. 31(8) by [2008 c. 6 s. 21](#)
- s. 32M32N inserted by [2008 c. 6 s. 25](#)
- s. 32M(1) amendment to earlier affecting provision 2008 c. 6 s. 25 by [S.I. 2012/2007 Sch. para. 79\(2\)](#)
- s. 32M(1) substituted by [2023 c. 35 s. 2](#)
- s. 32M(2) amendment to earlier affecting provision 2008 c. 6 s. 25 by [S.I. 2012/2007 Sch. para. 79\(3\)](#)
- s. 32M(3) words substituted by [2023 c. 35 s. 4\(3\)](#)
- s. 32N(2)(ba) inserted by [2023 c. 35 s. 3](#)
- s. 32N(3)-(5) inserted by [2023 c. 35 s. 4\(2\)](#)
- s. 38(1)(aa) inserted by [2007 asp 3 Sch. 5 para. 18\(a\)\(i\)](#)
- s. 38(1)(aa) word substituted by [2008 c. 6 Sch. 3 para. 40\(b\)](#) (This amendment will come into force (a) in relation to Scotland, immediately after 2007 asp 3, Sch. 5 par. 18(a)(i) comes into force, and (b) in relation to England and Wales, immediately after 2007 asp 3, Sch. 5 par. 18(a)(i) extends to England and Wales. See S.I. 2008/2675, art. 2)

-	s. 39B(3)(b)(c) words substituted by 2010 c. 40 Sch. para. 7(2)	
-	s. 39C(1)-(1B) substituted for s. 39C(1) by 2009 c. 24 s. 51(3)	
-	s. 39E(1A) inserted by 2009 c. 24 Sch. 5 para. 5(3)	
-	s. 39F(2)(e) amendment to earlier affecting provision 2009 c. 24 Sch. 5 para. 6 by S.I. 2012/2007 Sch. para. 100(4)	
-	s. 39F(2)(f) amendment to earlier affecting provision 2009 c. 24 Sch. 5 para. 6 by S.I. 2012/2007 Sch. para. 100(4)	
-	s. 39H-39Q inserted by 2008 c. 6 s. 28	
-	s. 39H(1) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(2)(a)	
-	s. 39H(2)-(5) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(2)(b)	
-	s. 39K(2) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(3)	
-	s. 39K(4)(5) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(3)	
-	s. 39K(6) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(3)	
-	s. 39M(2)(a) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(4)	
-	s. 39N(1) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(5)	
-	s. 39N(7)(8) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(5)	
-	s. 39P(2)(g) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(6)	
-	s. 39Q(2)(c) amendment to earlier affecting provision 2008 c. 6 s. 28 by S.I. 2012/2007 Sch. para. 81(7)	
-	s. 39CA39CB inserted by 2009 c. 24 s. 51(4)	
-	s. 39CA(11) omitted by S.I. 2015/583 Sch. 2 para. 7	
-	s. 39CB(5)(a) amendment to earlier affecting provision 2009 c. 24 s. 51(4) by S.I. 2012/2007 Sch. para. 99(4)(a)	
-	s. 39CB(6)(a) amendment to earlier affecting provision 2009 c. 24 s. 51(4) by S.I. 2012/2007 Sch. para. 99(4)(b)	
-	s. 39DA heading amendment to earlier affecting provision 2009 c. 24 s. 51(5) by S.I. 2012/2007 Sch. para. 99(5)(a)	
-	s. 39DA inserted by 2009 c. 24 s. 51(5)	
-	s. 39DA(1) amendment to earlier affecting provision 2009 c. 24 s. 51(5) by S.I. 2012/2007 Sch. para. 99(5)(b)	
-	s. 39DA(2) amendment to earlier affecting provision 2009 c. 24 s. 51(5) by S.I. 2012/2007 Sch. para. 99(5)(c)	
-	s. 39DA(3) amendment to earlier affecting provision 2009 c. 24 s. 51(5) by S.I. 2012/2007 Sch. para. 99(5)(d)	
-	s. 40(2A) amendment to earlier affecting provision 2008 c. 6 s. 29(1) by S.I. 2012/2007 Sch. para. 82(2)(a)	
-	s. 40(2A)-(2D) inserted by 2008 c. 6 s. 29(1)	
-	s. 40(2B) amendment to earlier affecting provision 2008 c. 6 s. 29(1) by S.I. 2012/2007 Sch. para. 82(2)(b)	
-	s. 40(2D)(a) amendment to earlier affecting provision 2008 c. 6 s. 29(1) by S.I. 2012/2007 Sch. para. 82(2)(b)	
-	s. 40(10)-(10C) substituted for s. 40(10) by 2008 c. 6 s. 29(2)	
-	s. 40A(A1) amendment to earlier affecting provision 2008 c. 6 s. 29(3) by S.I. 2012/2007 Sch. para. 82(3)(a)	
-	s. 40A(A2) amendment to earlier affecting provision 2008 c. 6 s. 29(3) by S.I. 2012/2007 Sch. para. 82(3)(b)	
-	s. 40A(A1)-(A4) inserted by 2008 c. 6 s. 29(3)	
-	s. 40A(A4)(a) amendment to earlier affecting provision 2008 c. 6 s. 29(3) by S.I. 2012/2007 Sch. para. 82(3)(b)	

- s. 40A(6)(a) words in s. 40A(6) renumbered as s. 40A(6)(a) by [2008 c. 6 Sch. 7 para. 1\(14\)](#)
- s. 40A(6)(b) inserted by [2008 c. 6 Sch. 7 para. 1\(14\)](#)
- s. 40A(7A)-(7D) inserted by [2008 c. 6 s. 29\(4\)](#)
- s. 40B(A1) amendment to earlier affecting provision 2008 c. 6 s. 30(1) by [S.I. 2012/2007 Sch. para. 83\(2\)](#)
- s. 40B(A3) amendment to earlier affecting provision 2008 c. 6 s. 30(1) by [S.I. 2012/2007 Sch. para. 83\(3\)](#)
- s. 40B(A1)-(1) substituted for heading and s. 40B(1) by [2008 c. 6 s. 30\(1\)](#)
- s. 40B(A5)(a) amendment to earlier affecting provision 2008 c. 6 s. 30(1) by [S.I. 2012/2007 Sch. para. 83\(3\)](#)
- s. 40B(10)-(10C) substituted for s. 40B(10) by [2008 c. 6 s. 30\(2\)](#)
- s. 40B(13) inserted by [2008 c. 6 Sch. 7 para. 1\(18\)](#)
- s. 49A inserted by [2008 c. 6 s. 34](#)
- s. 49A(1) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(2\)](#)
- s. 49A(2)(a) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(3\)](#)
- s. 49A(3) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(4\)](#)
- s. 49A(4) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(5\)](#)
- s. 49A(5)(a) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(6\)](#)
- s. 49A(8)(b) words inserted by [2023 c. 24 s. 3\(4\)](#)
- s. 49A(9)(d) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(6\)](#)
- s. 49A(10)(b) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(6\)](#)
- s. 49A(10)(c) amendment to earlier affecting provision 2008 c. 6 s. 34 by [S.I. 2012/2007 Sch. para. 86\(6\)](#)
- s. 49B49C inserted by [2008 c. 6 s. 39](#)
- s. 49B(1) amendment to earlier affecting provision 2008 c. 6 s. 39 by [S.I. 2012/2007 Sch. para. 87\(2\)\(a\)](#)
- s. 49B(1) amendment to earlier affecting provision 2008 c. 6 s. 39 by [S.I. 2012/2007 Sch. para. 87\(2\)\(b\)](#)
- s. 49B(2)(c) amendment to earlier affecting provision 2008 c. 6 s. 39 by [S.I. 2012/2007 Sch. para. 87\(3\)](#)
- s. 49B(3)(b) amendment to earlier affecting provision 2008 c. 6 s. 39 by [S.I. 2012/2007 Sch. para. 87\(3\)](#)
- s. 50(5)(da) inserted by [S.I. 2008/2833 Sch. 3 para. 95\(e\)](#)
- s. 52(2A)(aa) inserted by [2023 c. 35 s. 4\(4\)](#)