



Child Support, Pensions and Social Security Act 2000

2000 CHAPTER 19

PART I

CHILD SUPPORT

Financial penalties

18 Financial penalties

- (1) In section 41 of the 1991 Act (arrears of child support maintenance), subsections (3) to (5) (which provide for the payment of interest on arrears) shall cease to have effect.
- (2) For section 41A of the 1991 Act (arrears: alternative to interest payments) there shall be substituted—

“41A Penalty payments

- (1) The Secretary of State may by regulations make provision for the payment to him 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 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 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 Secretary of State shall pay penalty payments received by him into the Consolidated Fund.”

19 Reduced benefit decisions

For section 46 of the 1991 Act (failure to comply with obligations imposed by section 6) there shall be substituted—

“46 Reduced benefit decisions

- (1) This section applies where any person (“the parent”)—
 - (a) has made a request under section 6(5);
 - (b) fails to comply with any regulation made under section 6(7); or
 - (c) having been treated as having applied for a maintenance calculation under section 6, refuses to take a scientific test (within the meaning of section 27A).
- (2) The Secretary of State may serve written notice on the parent requiring her, before the end of a specified period—
 - (a) in a subsection (1)(a) case, to give him her reasons for making the request;
 - (b) in a subsection (1)(b) case, to give him her reasons for failing to do so; or
 - (c) in a subsection (1)(c) case, to give him her reasons for her refusal.
- (3) When the specified period has expired, the Secretary of State shall consider whether, having regard to any reasons given by the parent, there are reasonable grounds for believing that—
 - (a) in a subsection (1)(a) case, if the Secretary of State were to do what is mentioned in section 6(3);
 - (b) in a subsection (1)(b) case, if she were to be required to comply; or
 - (c) in a subsection (1)(c) case, if she took the scientific test,
 there would be a risk of her, or of any children living with her, suffering harm or undue distress as a result of his taking such action, or her complying or taking the test.
- (4) If the Secretary of State considers that there are such reasonable grounds, he shall—
 - (a) take no further action under this section in relation to the request, the failure or the refusal in question; and
 - (b) notify the parent, in writing, accordingly.
- (5) If the Secretary of State considers that there are no such reasonable grounds, he may, except in prescribed circumstances, make a reduced benefit decision with respect to the parent.

- (6) In a subsection (1)(a) case, the Secretary of State may from time to time serve written notice on the parent requiring her, before the end of a specified period—
 - (a) to state whether her request under section 6(5) still stands; and
 - (b) if so, to give him her reasons for maintaining her request,and subsections (3) to (5) have effect in relation to such a notice and any response to it as they have effect in relation to a notice under subsection (2)(a) and any response to it.
- (7) Where the Secretary of State makes a reduced benefit decision he must send a copy of it to the parent.
- (8) A reduced benefit decision is to take effect on such date as may be specified in the decision.
- (9) Reasons given in response to a notice under subsection (2) or (6) need not be given in writing unless the Secretary of State directs in any case that they must.
- (10) In this section—
 - (a) “comply” means to comply with the requirement or with the regulation in question; and “complied” and “complying” are to be construed accordingly;
 - (b) “reduced benefit decision” means a decision that the amount payable by way of any relevant benefit to, or in respect of, the parent concerned be reduced by such amount, and for such period, as may be prescribed;
 - (c) “relevant benefit” means income support or an income-based jobseeker’s allowance or any other benefit of a kind prescribed for the purposes of section 6; and
 - (d) “specified”, in relation to a notice served under this section, means specified in the notice; and the period to be specified is to be determined in accordance with regulations made by the Secretary of State.”