STATUTORY INSTRUMENTS

1992 No. 1989

The Child Support (Collection and Enforcement) Regulations 1992

PART III

DEDUCTION FROM EARNINGS ORDERS

Interpretation of this Part

8.—(1) For the purposes of this Part—

[[F1] "defective" means in relation to a deduction from earnings order that it does not comply with the requirements of regulations 9 to 11 and such failure to comply has made it impracticable for the employer to comply with his obligations under the Act and these Regulations;**]**

[[F2] "disposable income" means the amount determined under **[**[F3]regulation 12(1)(a)**]** of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 [M1];**]**

"earnings" shall be construed in accordance with paragraphs (3) and (4);

[[F4]"exempt income" means the amount determined under regulation 9 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992;**]**

[[F5]**[**[F6]"interim maintenance assessment" means a Category A, Category B, Category C or Category D interim maintenance assessment within the meaning of **[**[F7]regulation 8(3)**]** of the Child Support (Maintenance Assessment Procedure) Regulations 1992;**]]**

"net earnings" shall be construed in accordance with paragraph (5);

"normal deduction rate" means the rate specified in a deduction from earnings order (expressed as a sum of money per **[**[F8]month and the equivalent of that sum for a 1, 2 and 4 week period**]**) at which deductions are to be made from the liable person's net earnings;

"pay-day" in relation to a liable person means an occasion on which earnings are paid to him or the day on which such earnings would normally fall to be paid;

[[F9]"protected earnings proportion" means the proportion referred to in regulation 11(2).**]**

[[F10]"prescribed minimum amount" means the minimum amount prescribed in regulation 13 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992;**]**

[[F11]"protected earnings rate" means the level of earnings specified in a deduction from earnings order (expressed as a sum of money per week, month or other period) below which deductions of child support maintenance shall not be made for the purposes of this Part;**]**

[[F12]"protected income level" means the level of protected income determined in accordance with **[**[F13]paragraphs (1) to (5) of**]** regulation 11 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992.**]**

(2) For the purposes of this Part the relationship of employer and employee shall be treated as subsisting between two persons if one of them, as a principal and not as a servant or agent, pays

to the other any sum defined as earnings under paragraph (1) and "employment", "employer" and "employee" shall be construed accordingly.

(3) Subject to paragraph (4), "earnings" are any sums payable to a person—

(a) by way of wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service);

(b) by way of pension (including an annuity in respect of past service, whether or not rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or diminution in the emoluments, of any office or employment);

(c) by way of statutory sick pay.

(4) "Earnings" shall not include—

(a) sums payable by any public department of the Government of Northern Ireland or of a territory outside the United Kingdom;

(b) pay or allowances payable to the liable person as a member of Her Majesty's forces **[**[F14]other than pay or allowances payable by his employer to him as a special member of a reserve force (within the meaning of the Reserve Forces Act 1996)**]**;

(c) pension, allowances or benefit payable under any enactment relating to social security;

(d) pension or allowances payable in respect of disablement or disability;

(e) guaranteed minimum pension within the meaning of the Social Security Pensions Act 1975 [M2].

[[F15](f) working tax credit payable under section 10 of the Tax Credits Act 2002.**]**

(5) "Net earnings" means the residue of earnings after deduction of—

(a) income tax;

(b) primary class I contributions under Part I of the Contributions and Benefits Act 1992 [M3];

(c) amounts deductible by way of contributions to a superannuation scheme which provides for the payment of annuities or **[**[F16]lump**]** sums—

(i) to the employee on his retirement at a specified age or on becoming incapacitated at some earlier age; or

(ii) on his death or otherwise, to his personal representative, widow, **[**[F17]surviving civil partner,**]** relatives or dependants.

Textual Amendments

F1 Words in reg. 8(1) inserted (18.4.1995) by S.I. 1995/1045, reg. 1(2), 14(2)

F2 Words in reg. 8(1) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(a)(i) (with reg. 6)

F3 Words in reg. 8(1) substituted (18.4.1995) by S.I. 1995/1045, reg. 1(2), 14(3)

F4 Words in reg. 8(1) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(a)(i) (with reg. 6)

F5 Words in reg. 8(1) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(a)(i) (with reg. 6)

F6 Words in reg. 8(1) inserted (18.4.1995) by S.I. 1995/1045, reg. 1(2), 14(4)

F7 Words in reg. 8(1) substituted (7.10.1996) by S.I. 1996/1945, reg. 1(2), 3(2)

F8 Words in reg. 8(1) substituted (10.12.2012 for specified purposes) by The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785), regs. 1(5), **4(3)** (with regs. 11, 12)

F9 Words in reg. 8(1) inserted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(a)(ii) (with reg. 6)
F10 Words in reg. 8(1) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(a)(i) (with reg. 6)
F11 Words in reg. 8(1) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(a)(i) (with reg. 6)
F12 Words in reg. 8(1) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(a)(i) (with reg. 6)
F13 Words in reg. 8(1) inserted (18.4.1995) by S.I. 1995/1045, reg. 1(2), 14(5)
F14 Words in reg. 8(4)(b) inserted (6.4.1999) by S.I. 1999/977, reg. 1(2), 2(2)
F15 Reg. 8(4)(f) added (6.4.2003) by The Child Support (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/328) , regs. 1(3)(d) , **2**
F16 Words in reg. 8(5)(c) substituted (5.4.1993) by S.I. 1993/913, reg. 1(1), 41
F17 Words in reg. 8(5)(c)(ii) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877) , art. 1 , **Sch. 4 para. 3** (with art. 3)

Marginal Citations
M1 S.I. 1992/1815 .
M2 1975 c.60
M3 1992 c.4 .

Deduction from earnings orders

9. A deduction from earnings order shall specify—

(a) the name and address of the liable person;

(b) the name of the employer at whom it is directed;

(c) where known, the liable person's place of work, the nature of his work and any works or pay number;

[[F18](cc) where known, the liable person's national insurance number;**]**

[[F19](d) the normal deduction rate or rates and the date upon which each is to take effect;

(e) the **[**[F20]protected earnings proportion**];]**

(f) the address to which amounts deducted from earnings are to be sent.

Textual Amendments
F18 Reg. 9(cc) inserted (22.1.1996) by S.I. 1995/3261, reg. 1(2), 6
F19 Reg. 9(d)(e) substituted (18.4.1995) by S.I. 1995/1045, reg. 1(2), 15
F20 Words in reg. 9(e) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(b) (with reg. 6)

Normal deduction rate

[[F21]**10.**—(1) The period by reference to which the normal deduction rate is set must be the period by reference to which the liable person is normally paid where that period is a 1, 2 or 4 weekly or monthly period.

(2) The employer must select the normal deduction rate which applies depending on the period by reference to which the liable person's earnings are normally paid.

(3) Where the liable person is paid by reference to a period other than at a 1, 2 or 4 weekly or monthly period, the Secretary of State must discharge the deduction from earnings order in accordance with regulation 20.**]**

Textual Amendments

F21 Reg. 10(as amended by 1995/1045 and 2001/162) substituted (10.12.2012 for specified purposes) by The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785), regs. 1(5), **4(4)** (with regs. 11, 12)

Protected earnings proportion

[[F22]**11.**—(1) The period by reference to which the protected earnings proportion is set must be the same as the period by reference to which the normal deduction rate is set in accordance with regulation 10(1).

(2) The protected earnings proportion in respect of any period shall be 60% of the liable person's net earnings in respect of that period as calculated at the pay-day of the liable person by the employer.**]**

Textual Amendments

F22 Reg. 11 (as amended by 1995/1045, 1996/1945, 1999/1510, 2001/162, 2006/1520 & 2008/2544) substituted (10.12.2012 for specified purposes) by The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785), regs. 1(5), **4(5)** (with regs. 11, 12)

Amount to be deducted by employer

12.—(1) Subject to the provisions of this regulation, an employer who has been served with a copy of a deduction from earnings order in respect of a liable person in his employment shall, each pay-day, make a deduction from the net earnings of that liable person of an amount equal to the normal deduction rate.

(2) Where the deduction of the normal deduction rate would reduce the liable person's net earnings below the **[**[F23]protected earnings proportion**]** the employer shall deduct only such amount as will leave the liable person with net earnings equal to the **[**[F24]protected earnings proportion**]**.

(3) Where the liable person receives a payment of earnings at an interval greater or lesser than the interval specified in relation to the normal deduction rate and the **[**[F25]protected earnings proportion**]** ("the specified interval") the employer shall, for the purpose of such payments, take as the normal deduction rate and the **[**[F26]protected earnings proportion**]** such amounts (to the nearest whole penny) as are in the same proportion to the interval since the last pay-day as the normal deduction rate and the **[**[F27]protected earnings proportion**]** bear to the specified interval.

[[F28](3A) Where on any pay-day the liable person receives a payment of earnings covering a period longer than the period by reference to which the normal deduction rate is set, the employer shall, subject to paragraph (2), make a deduction from the net earnings paid to that liable person on that pay-day of an amount which is in the same proportion to the normal deduction rate as that longer period is to the period by reference to which that normal deduction rate is set.**]**

(4) Where, on any pay-day, the employer fails to deduct an amount due under the deduction from earnings order or deducts an amount less than the amount of the normal deduction rate the shortfall

shall, subject to the operation of paragraph (2), be deducted in addition to the normal deduction rate at the next available pay-day or days.

(5) **[**[F29]Where, on any pay-day, the liable person's net earnings are less than his protected earnings rate the amount of the difference shall be carried forward to his next pay-day and treated as part of his protected earnings in respect of that pay-day.**]**

(6) Where, on any pay-day, an employer makes a deduction from the earnings of a liable person in accordance with the deduction from earnings order he may also deduct an amount not exceeding £1 in respect of his administrative costs and such deduction for administrative costs may be made notwithstanding that it may reduce the liable person's net earnings below the **[**[F30]protected earnings proportion**]**.

Textual Amendments

F23 Words in reg. 12(2) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(e)(i) (with reg. 6)

F24 Words in reg. 12(2) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(e)(i) (with reg. 6)

F25 Words in reg. 12(3) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(e)(i) (with reg. 6)

F26 Words in reg. 12(3) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(e)(i) (with reg. 6)

F27 Words in reg. 12(3) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(e)(i) (with reg. 6)

F28 Reg. 12(3A) inserted (19.1.1998) by S.I. 1998/58, reg. 1(2), 6

F29 Reg. 12(5) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(e)(iI) (with reg. 6)

F30 Words in reg. 12(6) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(e)(i) (with reg. 6)

Employer to notify liable person of deduction

13.—(1) An employer making a deduction from earnings for the purposes of this Part shall notify the liable person in writing of the amount of the deduction, including any amount deducted for administrative costs under regulation 12(6).

(2) Such notification shall be given not later than the pay-day on which the deduction is made or, where that is impracticable, not later than the following pay-day.

Payment by employer to Secretary of State

14.—(1) Amounts deducted by an employer under a deduction from earnings order (other than any administrative costs deducted under regulation 12(6)) shall be paid to the Secretary of State by the 19th day of the month following the month in which the deduction is made.

(2) Such payment may be made—

(a) by cheque;

(b) by automated credit transfer; or

(c) by such other method as the Secretary of State may specify.

Information to be provided by liable person

[[F31]**15.**—(1) A liable person in respect of whom a deduction from earnings order is in force must notify the Secretary of State in writing within 7 days of each occasion on which he leaves employment or becomes employed, or re-employed.

(2) If a liable person becomes employed or re-employed, such notification must include the following details—

(a) the name and address of his employer;

(b) the amount of his earnings and expected earnings; and

(c) his place of work, nature of his work and any works or pay number.**]**

Textual Amendments

F31 Reg. 15 substituted (6.4.2008) by Child Support (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/536), regs. 1, **3(2)**

Duty of employers and others to notify Secretary of State

16.—(1) Where a deduction from earnings order is served on a person on the assumption that he is the employer of a liable person but the liable person to whom the order relates is not in his employment, the person on whom the order was served shall notify the Secretary of State of that fact in writing, at the address specified in the order, within 10 days of the date of service on him of the order.

(2) Where an employer is required to operate a deduction from earnings order and the liable person to whom the order relates ceases to be in his employment the employer shall notify the Secretary of State of that fact in writing, at the address specified in the order, within 10 days of the liable person ceasing to be in his employment.

(3) Where an employer becomes aware that a deduction from earnings order is in force in relation to a person who is an employee of his he shall, within 7 days of the date on which he becomes aware, notify the Secretary of State of that fact in writing at the address specified in the order.

[[F32]**Requirement to review deduction from earnings orders**

17.—(1) Subject to paragraph (2), the Secretary of State shall review a deduction from earnings order in the following circumstances—

(a) where there is a change in the amount of the maintenance **[**[F33]calculation**]**;

(b) where any arrears**[**[F34], penalty payment, interest or fees**]** payable under the order are paid off.

(2) There shall be no obligation to review a deduction from earnings order under paragraph (1) where the normal deduction rates specified in the order take account of the changes which will arise as a result of the circumstances specified in sub-paragraph (a) or (b) of that paragraph.**]**

Textual Amendments

F32 Reg. 17 substituted (18.4.1995) by S.I. 1995/1045, reg. 1(2), 18

F33 Words in reg. 17(1)(a) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(f)(i) (with reg. 6)

F34 Words in reg. 17(1)(b) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(f)(ii) (with reg. 6)

Modifications etc. (not altering text)

C1 Reg. 17 modified (30.6.2014) by The Child Support (Consequential and Miscellaneous Amendments) Regulations 2014 (S.I. 2014/1386), regs. 1(2), **2(7)** (as amended (24.6.2014) by S.I. 2014/1621, reg. 3)

Power to vary deduction from earnings orders

18.—(1) The Secretary of State may (whether on a review under regulation 17 or otherwise) vary a deduction from earnings order so as to—

(a) include any amount which may be included in such an order or exclude or decrease any such amount;

(b) substitute a subsequent employer for the employer at whom the order was previously directed.

(2) The Secretary of State shall serve a copy of any deduction from earnings order, as varied, on the liable person's employer and on the liable person.

Compliance with deduction from earnings order as varied

19.—(1) Where a deduction from earnings order has been varied and a copy of the order as varied has been served on the liable person's employer it shall, subject to paragraph (2), be the duty of the employer to comply with the order as varied.

(2) The employer shall not be under any liability for non-compliance with the order, as varied, before the end of the period of 7 days beginning with the date on which a copy of the order, as varied, was served on him.

Discharge of deduction from earnings orders

20.—**[**[F35](1) The Secretary of State may discharge a deduction from earnings order where it appears to him that—

(a) no further payments are due under it;

(b) the order is ineffective or some other way of securing that payments are made would be more effective;

(c) the order is defective;

(d) the order fails to comply in a material respect with any procedural provision of the Act or regulations made under it other than provision made in regulation 9, 10 or 11;

(e) at the time of the making of the order he did not have, or subsequently ceased to have, jurisdiction to make a deduction from earnings order; [F36]...

(f) in the case of an order made at a time when there is in force **[**[F37]a default or interim maintenance decision**]**, it is inappropriate to continue deductions under the order having regard to the compliance or the attempted compliance with the **[**[F38]maintenance calculation**]** by the liable person**][**[F39]; or

(g) the circumstances in regulation 10(3) apply**][**[F40]; or

(h) it is appropriate to discharge the order in a case where liability has ceased to accrue under the maintenance assessment or maintenance calculation in respect of which the order is made because the power under paragraph 1(1) of Schedule 5 to the Child Maintenance and Other Payments Act 2008 (power to require a decision about whether to stay in the statutory scheme) has been exercised in relation to the case.**]**

(2) The Secretary of State shall give written notice of the discharge of the deduction from earnings order to the liable person and to the liable person's employer.

Textual Amendments

F35 Reg. 20(1) substituted (18.4.1995) by S.I. 1995/1045, **reg. 1(2)**, 19

F36 Word in reg. 20(1)(e) omitted (10.12.2012 for specified purposes) by virtue of The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785), regs. 1(5), **4(6)(a)** (with regs. 11, 12)

F37 Words in reg. 20(1)(f) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, **reg. 1(3)**, 2(5)(g)(i) (with reg. 6)

F38 Words in reg. 20(1)(f) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, **reg. 1(3)**, 2(5)(g)(i) (with reg. 6)

F39 Reg. 20(1)(g) and word inserted (10.12.2012 for specified purposes) by The Child Support (Meaning of Child and New Calculation Rules) (Consequential and Miscellaneous Amendment) Regulations 2012 (S.I. 2012/2785), regs. 1(5), **4(6)(b)** (with regs. 11, 12)

F40 Reg. 20(1)(h) and word inserted (temp. until 22.5.2021) (7.11.2016) by The Child Support (Deduction from Earnings Orders Amendment and Modification and Miscellaneous Amendments) Regulations 2016 (S.I. 2016/982), regs. 1(1), **2** (with reg. 1(2))

Modifications etc. (not altering text)

C2 Reg. 20 modified (30.6.2014) by The Child Support (Consequential and Miscellaneous Amendments) Regulations 2014 (S.I. 2014/1386), regs. 1(2), **2(8)** (as amended (24.6.2014) by S.I. 2014/1621, reg. 3)

Lapse of deduction from earnings orders

21.—(1) A deduction from earnings order shall lapse (except in relation to any deductions made or to be made in respect of the employment not yet paid to the Secretary of State) where the employer at whom it is directed ceases to have the liable person in his employment.

(2) The order shall lapse from the pay-day coinciding with, or, if none, the pay-day following, the termination of the employment.

(3) A deduction from earnings order which has lapsed under this regulation shall nonetheless be treated as remaining in force for the purposes of regulations 15 and 24.

(4) Where a deduction from earnings order has lapsed under paragraph (1) and the liable person recommences employment (whether with the same or another employer), the order may be revived from such date as may be specified by the Secretary of State.

(5) Where a deduction from earnings order is revived under paragraph (4), the Secretary of State shall give written notice of that fact to, and serve a copy of the notice on, the liable person and the liable person's employer.

(6) Where an order is revived under paragraph (4), no amount shall be carried forward under regulation 12(4) **[**[F41]or (5)**]** from a time prior to the revival of the order.

Textual Amendments

F41 Words in reg. 21(6) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(h) (with reg. 6)

Appeals against deduction from earnings orders

22.—(1) A liable person in respect of whom a deduction from earnings order has been made may appeal to the magistrates' court, or in Scotland the sheriff **[**[F42]of the sheriffdom in which he resides**]**.

(2) **[**[F43]Subject to paragraph (2A),**]** any appeal shall—

(a) be by way of complaint for an order or, in Scotland, by way of application;

(b) **[**[F44]where the liable person is resident in the United Kingdom,**]** be made within 28 days of the date on which the matter appealed against arose.

[[F45](c) where the liable person is not resident in the United Kingdom, be made within 56 days of the date on which the matter appealed against arose.**]**

[[F46](2A) Any appeal against a decision of the Secretary of State that the exclusion required by regulation 3(3) does not apply is—

(a) where the liable person is resident in the United Kingdom, to be made within 28 days of the date on which that decision is given or sent to the liable person;

(b) where the liable person is not resident in the United Kingdom, to be made within 56 days of the date on which that decision is given or sent to the liable person.**]**

(3) **[**[F47]Subject to paragraph (3A),**]** an appeal may be made only on one or both of the following grounds—

(a) that the deduction from earnings order is defective;

(b) that the payments in question do not constitute earnings.

[[F48](3A) Where the Secretary of State is considering specifying a deduction from earnings order as a method of payment under regulation 3(1)(i) an appeal may also be made against a decision of the Secretary of State that the exclusion required by regulation 3(3) does not apply.**]**

(4) **[**[F49]Subject to paragraph (5),**]** where the court or, as the case may be, the sheriff is satisfied that the appeal should be allowed the court, or sheriff, may—

(a) quash the deduction from earnings order; or

(b) specify which, if any, of the payments in question do not constitute earnings.

[[F50](5) Where an appeal is brought on the grounds set out in paragraph (3A), and the court, or as the case may be, the sheriff, is satisfied that the appeal should be allowed the court or the sheriff is to refer the case to the Secretary of State for him to specify whichever of the methods of payment set out in regulation 3(1) he considers to be appropriate in the circumstances.**]**

Textual Amendments

F42 Words in reg. 22(1) substituted (1.8.2007) by The Child Support (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/1979), regs. 1, **2(2)(a)**

F43 Words in reg. 22(2) inserted (27.10.2008) by Child Support (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/2544), regs. 1(1), **2(4)(a)**

F44 Words in reg. 22(2)(b) inserted (1.8.2007) by The Child Support (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/1979), regs. 1, **2(2)(b)**

F45 Reg. 22(2)(c) inserted (1.8.2007) by The Child Support (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/1979), regs. 1, **2(2)(c)**

F46 Reg. 22(2A) inserted (27.10.2008) by Child Support (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/2544), regs. 1(1), **2(4)(b)**

F47 Words in reg. 22(3) inserted (27.10.2008) by Child Support (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/2544), regs. 1(1), **2(4)(c)**

F48 Reg. 22(3A) inserted (27.10.2008) by Child Support (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/2544), regs. 1(1), **2(4)(d)**

F49 Words in reg. 22(4) inserted (27.10.2008) by Child Support (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/2544), regs. 1(1), **2(4)(e)**

F50 Reg. 22(5) added (27.10.2008) by Child Support (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/2544), regs. 1(1), **2(4)(f)**

Crown employment

23. Where a liable person is in the employment of the Crown and a deduction from earnings order is made in respect of him then for the purposes of this Part—

(a) the chief officer for the time being of the Department, office or other body in which the liable person is employed shall be treated as having the liable person in his employment (any transfer of the liable person from one Department, office or body to another being treated as a change of employment); and

(b) any earnings paid by the Crown or a minister of the Crown, or out of the public revenue of the United Kingdom, shall be treated as paid by that chief officer.

Priority as between orders

24.—(1) **[**[F51]Where an employer would, but for this paragraph, be obliged, on any pay-day, to make deductions under two or more deduction from earnings orders he shall—

(a) deal with the orders according to the respective dates on which they were made, disregarding any later order until an earlier one has been dealt with;

(b) deal with any later order as if the earnings to which it relates were the residue of the liable person's earnings after the making of any deduction to comply with any earlier order.**]**

(2) Where an employer would, but for this paragraph, be obliged to comply with **[**[F52]a deduction from earnings order**]** and one or more attachment of earnings orders he shall—

(a) in the case of an attachment of earnings order which was made either wholly or in part in respect of the payment of a judgment debt or payments under an administration order, deal first with the deduction from earnings order [F53]... and thereafter with the attachment of earnings order as if the earnings to which it relates were the residue of the liable person's earnings after the making of deductions to comply with the deduction from earnings order [F54]...;

(b) in the case of any other attachment of earnings order **[**[F55]he shall—

(i) deal with the orders according to the respective dates on which they were made, disregarding any later order until an earlier one has been dealt with;

(ii) deal with any later order as if the earnings to which it relates were the residue of the liable person's earnings after the making of any deduction to comply with any earlier order.**]**

"Attachment of earnings order" in this paragraph means an order made under the Attachment of Earnings Act 1971 [M4] or under regulation 32 of the Community Charge (Administration and Enforcement) Regulations 1989 [M5]**[**[F56]or under regulation 37 of the Council Tax (Administration and Enforcement) Regulations 1992**]**.

(3) Paragraph (2) does not apply to Scotland.

(4) In Scotland, where an employer would, but for this paragraph, be obliged to comply with **[**[F57]a deduction from earnings order**]** and one or more diligences against earnings he shall deal first with the deduction from earnings order [F58]... and thereafter with the diligence against earnings as if

the earnings to which the diligence relates were the residue of the liable person's earnings after the making of deductions to comply with the deduction from earnings order [F59]....

Textual Amendments

F51 Reg. 24(1) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(i)(i) (with reg. 6)

F52 Words in reg. 24(2) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(i)(iii)(aa) (with reg. 6)

F53 Words in reg. 24(2) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(i)(iii)(bb) (with reg. 6)

F54 Words in reg. 24(2) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(i)(iii)(bb) (with reg. 6)

F55 Words in reg. 24(2)(b) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(i)(ii) (with reg. 6)

F56 Words in reg. 24(2) inserted (5.4.1993) by S.I. 1993/913, reg. 1(1), 42

F57 Words in reg. 24(4) substituted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(i)(iii)(aa) (with reg. 6)

F58 Words in reg. 24(4) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(i)(iii)(bb) (with reg. 6)

F59 Words in reg. 24(4) omitted (3.3.2003, See reg. 1 of S.I. for when to apply for different circumstances) by S.I. 2001/162, reg. 1(3), 2(5)(i)(iii)(bb) (with reg. 6)

Marginal Citations

M4 1971 c.32 .

M5 S.I. 1989/438 .

Offences

25. The following regulations are designated for the purposes of section 32(8) of the Act (offences relating to deduction from earnings orders)—

(aa) **[**[F60]regulation 14(1);**]**

[[F61](ab)**]** regulation 15(1) and (2);

(b) regulation 16(1), (2) and (3);

(c) regulation 19(1).

Textual Amendments

F60 Words in reg. 25 inserted (6.4.1999) by S.I. 1999/977, **reg. 1(2)**, 2(3)(a)

F61 Words in reg. 25 substituted (6.4.1999) by S.I. 1999/977, **reg. 1(2)**, 2(3)(b)

Changes to legislation:
There are currently no known outstanding effects for the The Child Support (Collection and Enforcement) Regulations 1992, PART III.