

STATUTORY INSTRUMENTS

1992 No. 1989

The Child Support (Collection and Enforcement) Regulations 1992

[^{F1}PART 3A

Deduction Orders

[^{F1}CHAPTER 4

General Matters for Deduction Orders

Textual Amendments

- F1** Pt. 3A inserted (3.8.2009) by [Child Support Collection and Enforcement \(Deduction Orders\) Amendment Regulations 2009 \(S.I. 2009/1815\)](#), regs. 1(1), 2

Accounts of a prescribed description

25X.—(1) A regular deduction order or a lump sum deduction order may not be made in respect of an account which—

- (a) the liable person operates solely for the purposes of exercising the function of a trustee or office holder and the account is one in which all the funds are held on behalf of other persons or for the purposes of that office; or
- (b) is used wholly or in part for business purposes.

(2) For the purposes of paragraph (1)(b), whether an account is used wholly or in part for business purposes is to be decided by the [^{F2}Secretary of State].

[^{F3}(3) Paragraph (1)(b) does not apply where a regular deduction order or a lump sum deduction order is made in respect of an account which is used by—

- (a) the liable person as a sole trader; or
- (b) a partnership formed in England or Wales, of which the liable person is a partner.]

Textual Amendments

- F2** Words in reg. 25X(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. 111\(18\)](#)
- F3** Reg. 25X(3) substituted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), [3\(17\)](#)

[^{F4}Deduction orders in respect of joint accounts

25XA. A regular deduction order or a lump sum deduction order may be made in respect of a joint account which is held by the liable person and one or more other persons.

Textual Amendments

F4 Regs. 25XA-25XC inserted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), **3(18)**

Sharing information with account-holders

25XB. Where the Secretary of State serves a notice on an account-holder under regulation 25A1, 25IA, 25KA or 25MA, that notice may be accompanied by such information about the liable person as the Secretary of State considers essential to enable the account-holder to make representations in respect of the proposal specified in the notice.

Textual Amendments

F4 Regs. 25XA-25XC inserted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), **3(18)**

Information provided by a deposit-taker before the making of an order

25XC.—(1) Before making a regular deduction order or a lump sum deduction order in respect of a joint account, the Secretary of State may by way of notice require a deposit-taker to provide the information set out in paragraph (3) to the Secretary of State.

(2) The information required under paragraph (1) must be provided within 14 days, beginning with the day on which the Secretary of State's notice was served on the deposit-taker.

(3) The information is—

- (a) the name of each account-holder;
- (b) the residential address or the address for correspondence, if different, of each account-holder;
- (c) the number and sort code of the account;
- (d) the type of account;
- (e) the amount standing to the credit of the account specified in the request; and
- (f) details of any transactions on the account in the 6 month period before the Secretary of State's notice was served on the deposit-taker.]

Textual Amendments

F4 Regs. 25XA-25XC inserted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), **3(18)**

Circumstances in which amounts standing to the credit of an account are to be disregarded

25Y. The circumstances in which amounts standing to the credit of an account are to be disregarded for the purposes of sections 32A, 32E, 32G and 32H of the Act are where the liable person has no beneficial interest in the amount.

Administrative costs

25Z. A deposit-taker at which an order under section 32A or 32F of the Act is directed may deduct from the amount standing to the credit of the account specified in the order an amount towards its administrative costs for each deduction made, not exceeding—

- (a) in the case of a regular deduction order, £10; or
- (b) in the case of a lump sum deduction order under section 32F of the Act, £55,

before making any payment to the [^{F5}Secretary of State] required by section 32A or, as the case may be, section 32H of the Act .

Textual Amendments

- F5** Words in reg. 25Z 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. 111(19)**

Payment by deposit-taker to the [^{F6}Secretary of State]

25AA.—(1) Amounts deducted by a deposit-taker at which a regular deduction order or a lump sum deduction order under section 32F of the Act is directed must be paid to the [^{F7}Secretary of State] within—

- (a) in the case of a regular deduction order, 10 days of the date the regular deduction is due to be made; or
- (b) in the case of a lump sum deduction order under section 32F of the Act, 10 days of the end of the relevant period.

(2) The payment to the [^{F7}Secretary of State] of amounts deducted under that order may be made by—

- (a) cheque;
- (b) automated credit transfer; or
- (c) such other method as the [^{F7}Secretary of State] may specify.

(3) In this regulation “the relevant period” has the same meaning as in section 32G(5) and (6) of the Act.

Textual Amendments

- F6** Words in reg. 25AA(heading) 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. 111(20)**
- F7** Words in reg. 25AA(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. 111(20)**

Appeals

25AB.—(1) A qualifying person has a right of appeal to [^{F8}the family court] or in Scotland the sheriff of the sheriffdom in which that person resides, against—

- (a) the making of a regular deduction order;
 - (b) any decision made by the [^{F9}Secretary of State] on an application made under regulation 25G (review of a regular deduction order);
 - (c) the withholding of the consent to be obtained in accordance with regulation 25N (disapplication of sections 32G(1) and 32H(2)(b) of the Act);
 - (d) the making of an order under section 32F of the Act.
- (2) In this regulation a “qualifying person” means—
- (a) in relation to paragraph (1)(a) and (b), any person affected by—
 - (i) a regular deduction order, or, as the case may be,
 - (ii) the decision referred to in paragraph (1)(b);
 - (b) in relation to paragraph (1)(c), the persons prescribed in regulation 25N(2); and
 - (c) in relation to paragraph (1)(d), any person affected by an order under section 32F of the Act.

Textual Amendments

- F8** Words in reg. 25AB(1) substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) \(No.2\) Order 2014 \(S.I. 2014/879\)](#), arts. 1(1), **25**
- F9** Words in reg. 25AB(1)(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. 111(21)**

Offences

25AC. The following regulations are designated for the purposes of sections 32D(1)(b) and 32K(1)(b) of the Act—

- (a) [^{F10}regulation 25E(1) to (5A)] (notification by the deposit-taker to the [^{F11}Secretary of State]);
- (b) regulation 25I(4) (variation of a regular deduction order);
- (c) [^{F12}regulation 25O(1) to (5A)] (information);
- (d) regulation 25R(3) (variation of a lump sum deduction order); ^{F13} ...
- (e) regulation 25AA(1) (payment by deposit-taker to the [^{F14}Secretary of State])^{F15}; and
- (f) regulation 25XC (information provided by a deposit-taker before the making of an order).]

Textual Amendments

- F10** Words in reg. 25AC(a) substituted (20.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(3), **3(19)(a)**
- F11** Words in reg. 25AC(a) 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. 111(22)**

- F12** Words in reg. 25AC(c) substituted (20.12.2018) by The Child Support (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1279), regs. 1(3), **3(19)(b)**
- F13** Word in reg. 25AC(d) omitted (20.12.2018) by virtue of The Child Support (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1279), regs. 1(3), **3(19)(c)**
- F14** Words in reg. 25AC(e) 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. 111(22)**
- F15** Words in reg. 25AC(e) inserted (20.12.2018) by The Child Support (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1279), regs. 1(3), **3(19)(d)**

[^{F16}Secretary of State] to warn of consequences of failing to comply with an order or to provide information

25AD. Where information is required by virtue of regulation 25E or 25O, the [^{F17}Secretary of State] must set out in writing the possible consequences of failure to—

- (a) comply with a regular deduction order or lump sum deduction order; and
- (b) provide the information required under the regulations designated by regulation 25AC(a) and (b) (offences),

including details of the offences provided for by virtue of sections 32D and 32K of the Act, as the case may be.]

Textual Amendments

- F16** Words in reg. 25AD heading 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. 111(23)**
- F17** Words in reg. 25AD 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. 111(23)**

[^{F18}Review

25AE.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in regulations 25A to 25AD of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must, in particular—

- (a) set out the objectives intended to be achieved by those provisions;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(3) The first report under this regulation must be published before the end of the period of 5 years, beginning with the date on which the Child Support (Miscellaneous Amendments) Regulations 2018 come into force.

(4) Subsequent reports under this regulation must be published at intervals not exceeding 5 years.

Changes to legislation: There are currently no known outstanding effects for the The Child Support (Collection and Enforcement) Regulations 1992, CHAPTER 4. (See end of Document for details)

(5) In this regulation, “regulatory provision” has the meaning given by section 32(4) of the Small Business, Enterprise and Employment Act 2015.]

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Textual Amendments

F18 Reg. 25AE inserted (20.12.2018) by The Child Support (Miscellaneous Amendments) Regulations 2018 (S.I. 2018/1279), regs. 1(3), **3(20)**

Changes to legislation:

There are currently no known outstanding effects for the The Child Support (Collection and Enforcement) Regulations 1992, CHAPTER 4.