

[F1]SCHEDULE A1

Regulation 1A

Electronic Communications

Textual Amendments

- F1** Sch. A1 inserted (26.5.2022) by [The Child Support \(Amendments Relating to Electronic Communications and Information\) \(England and Wales and Scotland\) Regulations 2022 \(S.I. 2022/503\)](#), regs. 1(2), 6

PART 1

Use of Electronic Communications

Use of electronic communications

1.—(1) Where these Regulations require or permit a person to carry out an action referred to in sub-paragraph (2)—

- (a) that person may, if the conditions specified in paragraph 2 are met, use electronic communication to carry out the action, and
- (b) any reference to the action is to be construed as being capable of being carried out using electronic communication.

(2) The actions are—

- (a) giving consent;
- (b) giving or sending of a document or notice;
- (c) notifying a person;
- (d) making an application other than an application under—
 - (i) paragraph (2)(a) of regulation 22 (appeals against deduction from earnings orders);
 - (ii) regulation 28 (application for a liability order);
- (e) making representations;
- (f) serving a notice or order, including a copy of that notice or order;
- (g) setting out in writing.

Conditions for the use of electronic communications

2. The conditions for the use of electronic communications are—

- (a) the electronic communication, its form, and the electronic address for the communication, have been agreed with the recipient for a purpose in paragraph 1(2);
- (b) the electronic communication is sent in the agreed form to the agreed electronic address for the agreed purpose;
- (c) the electronic communication is—
 - (i) legible, and
 - (ii) in a form sufficiently permanent to be used for subsequent reference.

Use of intermediaries

3. The Secretary of State may use intermediaries in connection with the actions referred to in paragraph 1(2).

PART 2

Evidential provisions

Proof of delivery

4.—(1) An agreed electronic communication is presumed, unless the contrary is proved, to have resulted in delivery if—

- (a) in the case that it falls to be delivered to the Secretary of State, the delivery of the agreed electronic communication is recorded on an official computer system; or
- (b) in the case that it falls to be delivered by the Secretary of State, if the despatch of the agreed electronic communication is recorded on an official computer system.

(2) An agreed electronic communication is presumed, unless the contrary is proved, not to have resulted in delivery if—

- (a) in the case that it falls to be delivered to the Secretary of State, the delivery of the agreed electronic communication is not recorded on an official computer system; or
- (b) in the case that it falls to be delivered by the Secretary of State, the despatch of that agreed electronic communication is not recorded on an official computer system.

(3) The time and date of receipt of an agreed electronic communication is presumed to be that recorded on an official computer system, unless the contrary is proved.

Proof of identity

5.—(1) The identity of the sender and the recipient of an electronic communication is presumed to be the persons whose names are recorded on an official computer system, unless the contrary is proved.

(2) An electronic communication sent on behalf of another person (“P”) is presumed to have been delivered by P unless P proves that it was delivered without P’s knowledge.

Proof of content

6. The content of an electronic communication is presumed to be that recorded on an official computer system, unless the contrary is proved.

Interpretation

7. In this Schedule—

“agreed electronic address” means an electronic address agreed in accordance with paragraph 2(a);

“agreed electronic communication” means an electronic communication agreed in accordance with paragraph 2(a);

“agreed form” means the form agreed in accordance with paragraph 2(a);

“agreed purpose” means the purpose agreed in accordance with paragraph 2(a);

“official computer system” means a computer system maintained by or on behalf of the Secretary of State for the purposes of these Regulations.]

[^{F2}SCHEDULE 1

Regulation 29(1)

LIABILITY ORDER PRESCRIBED FORM

Textual Amendments

F2 Sch. 1 omitted (E.W.) (19.7.2021) by virtue of The Child Support (Collection and Enforcement and Maintenance Calculation) (Amendment No. 2) Regulations 2021 (S.I. 2021/763), regs. 1(2), **3(6)**

Modifications etc. (not altering text)

C1 Sch. 1 modified (30.6.2014) by The Child Support (Consequential and Miscellaneous Amendments) Regulations 2014 (S.I. 2014/1386), regs. 1(2), **2(10)** (as amended (24.6.2014) by S.I. 2014/1621, reg. 3)

Section 33 of the Child Support Act 1991 and regulation 29(1) of the Child Support (Collection and Enforcement) Regulations 1992

».....Magistrates’ Court

Date:

Defendant:

Address:

On the complaint of the Secretary of State ^{F3}... that the sums specified below [^{F4}have become payable by the liable person (the defendant)] under the Child Support Act 1991 and Part IV of the Child Support (Collection and Enforcement) Regulations 1992 and [^{F5}have not been paid], it is adjudged that the defendant is liable to pay the aggregate amount specified below.

Sum payable and outstanding	—child support maintenance
	—interest
	[^{F6} —penalty payments
	—fees]
	—other periodical payments [^{F7} that the Secretary of State has arranged to collect under] section 30 of the Child Support Act 1991

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

Textual Amendments

- F3** Words in Sch. 1 omitted (23.3.2015) by virtue of [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **5(a)**
- F4** Words in Sch. 1 substituted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **5(b)**
- F5** Words in Sch. 1 substituted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **5(c)**
- F6** Words in Sch. 1 inserted (3.3.2003) by [S.I. 2001/162](#), **reg. 1(3)**, 2(7) (with reg. 6)
- F7** Words in Sch. 1 substituted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **5(d)**

Textual Amendments

- F3** Words in Sch. 1 omitted (23.3.2015) by virtue of [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **5(a)**
- F4** Words in Sch. 1 substituted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **5(b)**
- F5** Words in Sch. 1 substituted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **5(c)**
- F6** Words in Sch. 1 inserted (3.3.2003) by [S.I. 2001/162](#), **reg. 1(3)**, 2(7) (with reg. 6)
- F7** Words in Sch. 1 substituted (23.3.2015) by [The Child Support \(Miscellaneous and Consequential Amendments\) Regulations 2015 \(S.I. 2015/338\)](#), regs. 1(2), **5(d)**

Aggregate amount in respect of which the liability order is made:

» Justice of the Peace

» [or by order of the Court Clerk of the Court]]

SCHEDULE 2

Regulation 32

CHARGES CONNECTED WITH DISTRESS

1. The sum in respect of charges connected with the distress which may be aggregated under section 35(2)(b) of the Act shall be set out in the following Table—

(1) Matter connected with distress	(2) Charge
A For making a visit to premises with a view to levying distress (whether the levy is made or not):	Reasonable costs and fees incurred, but not exceeding an amount which, when aggregated with charges under this head for any previous visits made with a view to levying distress in relation to an amount in respect of which the liability order concerned was made, is not

	greater than the relevant amount calculated under paragraph 2(1) with respect to the visit.
B For levying distress:	An amount (if any) which, when aggregated with charges under head A for any visits made with a view to levying distress in relation to an amount in respect of which the liability order concerned was made, is equal to the relevant amount calculated under paragraph 2(1) with respect to the levy.
[^{F8} BB For preparing and sending a letter advising the liable person that the written authorisation of the Secretary of State is with the person levying the distress and requesting the total sum due:	£10.00.]
C For the removal and storage of goods for the purposes of sale:	Reasonable costs and fees incurred.
D For the possession of goods as described in paragraph 2(3)—	£4.50 per day.
(i)for close possession (the person in possession on behalf of the Secretary of State to provide his own board):	
(ii)for walking possession:	[^{F9} 10p per day.]
E For appraisalment of an item distrained, at the request in writing of the liable person:	Reasonable fees and expenses of the broker appraising.
F For other expenses of, and commission on, a sale by auction—	The auctioneer’s commission fee and out-of-pocket expenses (but not exceeding in aggregate 15 per cent. of the sum realised), together with reasonable costs and fees incurred in respect of advertising.
(i)where the sale is held on the auctioneer’s premises:	
(ii)where the sale is held on the liable person’s premises:	The auctioneer’s commission fee (but not exceeding 7½ per cent. of the sum realised), together with the auctioneer’s out-of-pocket expenses and reasonable costs and fees incurred in respect of advertising.
G For other expenses incurred in connection with a proposed sale where there is no buyer in relation to it:	Reasonable costs and fees incurred.

Textual Amendments

F8 Head BB in Sch. 2 inserted (7.2.1994) by [S.I. 1994/227, reg. 1, 3\(2\)\(a\)](#)

F9 Words in head D, col. 2 in Sch. 2 substituted (7.2.1994) by [S.I. 1994/227, reg. 1, 3\(2\)\(b\)](#)

2.—(1) In heads A and B of the Table to paragraph 1, “the relevant amount” with respect to a visit or a levy means—

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

- (a) where the sum due at the time of the visit or of the levy (as the case may be) does not exceed £100, £12.50;
- (b) where the sum due at the time of the visit or of the levy (as the case may be) exceeds £100, 12½ per cent. on the first £100 of the sum due, 4 per cent. on the next £400, 2½ per cent. on the next £1,500, 1 per cent. on the next £8,000 and ¼ per cent. on any additional sum;

3.—(1) Where the calculation under this Schedule of a percentage of a sum results in an amount containing a fraction of a pound, that fraction shall be reckoned as a whole pound.

(2) In the case of dispute as to any charge under this Schedule, the amount of the charge shall be taxed.

(3) Such a taxation shall be carried out by the district judge of the county court for the district in which the distress is or is intended to be levied, and he may give such directions as to the costs of the taxation as he thinks fit; and any such costs directed to be paid by the liable person to the Secretary of State shall be added to the sum which may be aggregated under section 35(2) of the Act.

(4) References in the Table in paragraph 1 to costs, fees and expenses include references to amounts payable by way of value added tax with respect to the supply of goods or services to which the costs, fees and expenses relate.

[^{F10}SCHEDULE 3

Regulation 34(1)

FORM OF WARRANT OF COMMITMENT

Textual Amendments

F10 Sch. 3 omitted (E.W.) (19.7.2021) by virtue of [The Child Support \(Collection and Enforcement and Maintenance Calculation\) \(Amendment No. 2\) Regulations 2021](#) (S.I. 2021/763), regs. 1(2), **3(7)**

Section 40 of the Child Support Act 1991 and regulation 34(1) of the Child Support (Collection and Enforcement) Regulations 1992

».....Magistrates' Court

Date:

Liable Person:

Address:

A liability order ("the order") was made against the liable person by the [»] Magistrates' Court on [»] under section 33 of the Child Support Act 1991 ("the Act") in respect of an amount of [»].

The court is satisfied—

- (i) that the Secretary of State sought under section 35 of the Act to levy by distress the amount then outstanding in respect of which the order was made;

[and/or]

that the Secretary of State sought under section 36 of the Act to recover through the [»] County Court, by means of [garnishee proceedings]^{F11}... [a charging order], the amount then outstanding in respect of which the order was made;

- (ii) that such amount, or any portion of it, remains unpaid; and
- (iii) having inquired in the liable person's presence as to his means and as to whether there has been [wilful refusal]^{F12}... [culpable neglect] on his part, the court is of the opinion that there has been [wilful refusal]^{F13}... [culpable neglect] on his part.

Textual Amendments

F11 Word in Sch. 3 para (i) omitted (3.3.2003) by S.I. 2001/162, reg. 1(3), **2(8)(b)** (with reg. 6)

F12 Word in Sch. 3 para (iii) omitted (3.3.2003) by S.I. 2001/162, reg. 1(3), **2(8)(c)** (with reg. 6)

F13 Word in Sch. 3 para (iii) omitted (3.3.2003) by S.I. 2001/162, reg. 1(3), **2(8)(c)** (with reg. 6)

Textual Amendments

F11 Word in Sch. 3 para (i) omitted (3.3.2003) by S.I. 2001/162, reg. 1(3), **2(8)(b)** (with reg. 6)

F12 Word in Sch. 3 para (iii) omitted (3.3.2003) by S.I. 2001/162, reg. 1(3), **2(8)(c)** (with reg. 6)

F13 Word in Sch. 3 para (iii) omitted (3.3.2003) by S.I. 2001/162, reg. 1(3), **2(8)(c)** (with reg. 6)

The decision of the court is that the liable person be [committed to prison] [detained] for [»] unless the aggregate amount mentioned below in respect of which this warrant is made is sooner paid.*

This warrant is made in respect of—

Amount outstanding (including any interest, [^{F14}penalty payments, fees,] costs and charges):

Textual Amendments

F14 Words in Sch. 3 inserted (3.3.2003) by S.I. 2001/162, reg. 1(3), **2(8)(a)** (with reg. 6)

Textual Amendments

F14 Words in Sch. 3 inserted (3.3.2003) by S.I. 2001/162, reg. 1(3), **2(8)(a)** (with reg. 6)

Costs of commitment of the Secretary of State:

Aggregate amount:

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

And you[name of person or persons to whom warrant is directed] are hereby required to take the liable person and convey him to[name of prison or place of detention] and there deliver him to the [governor] [officer in charge] thereof; and you, the [governor] [officer in charge], to receive the liable person into your custody and keep him for[period of imprisonment] from the date of his arrest under this warrant or until he be sooner discharged in due course of law.

» Justice of the Peace

» [or by order of the Court Clerk of the Court].

**Note:* The period of imprisonment will be reduced as provided by regulation 34(5) and (6) of the Child Support (Collection and Enforcement) Regulations 1992 if part-payment is made of the aggregate amount.]

[^{F15}]^{F16}SCHEDULE 4

Regulation 35(4)

Textual Amendments

- F15** Sch. 4 omitted (E.W.) (19.7.2021) by virtue of [The Child Support \(Collection and Enforcement and Maintenance Calculation\) \(Amendment No. 2\) Regulations 2021](#) (S.I. 2021/763), regs. 1(2), **3(8)**
- F16** Sch. 04 inserted (2.4.2001) by [S.I. 2001/162](#), reg. 1(3), 2(9), **Sch.** (with reg. 6)

FORM OF ORDER OF DISQUALIFICATION FROM HOLDING OR OBTAINING A DRIVING LICENCE

Sections 39A and 40B of the Child Support Act 1991 and regulation 35 and the Child Support (Collection and Enforcement) Regulations 1992

Magistrates' Court

Date:

Liable Person:

Address:

A liability order ("the order") was made against the liable person by the [] Magistrates' Court on [] under section 33 of the Child Support Act 1991 ("the Act") in respect of an amount of [].

The court is satisfied

(i) that the Secretary of State sought under section 35 of the Act of levy by distress the amount then outstanding in respect of which the order was made;

[and/or]

that the Secretary of State sought under section 36 of the Act to recover through [] County Court by means of [garnishee proceedings] [a charging order], the amount then outstanding in respect of which the order was made;

(ii) that such amount, or any proportion of it, remains unpaid; and

(iii) having inquired in the liable person's presence as to his means and whether there has been [wilful refusal] [culpable neglect] on his part.

This decision of the court is that the liable person be disqualified from [holding or obtaining] a driving licence from [date] for [period] unless the aggregate amount in respect of which this order is made is sooner paid*

This order is made in respect of

Amount outstanding (including any interest, fees, penalty payments, costs and charges);

aggregate amount:

And you [the liable person] shall surrender to the court any driving licence

^{F17}

... held.

Justice of the Peace

[or by order of the Court

Clerk of the Court]

**Note:* The period of disqualification may be reduced as provided by section 40B(5) (a) of the Act if part payment is made of the aggregate amount. The order will be revoked by section 40B(5)(b) of the Act if full payment is made of the aggregate amount.]]

Textual Amendments

- F17** Words in Sch. 4 omitted (8.6.2015) by virtue of [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), art. 1(1), [Sch. 2 para. 9\(b\)](#)

[^{F18}[^{F19}SCHEDULE 5

Regulation 35A(4)

Textual Amendments

- F18** [Sch. 5](#) omitted (E.W.) (19.7.2021) by virtue of [The Child Support \(Collection and Enforcement and Maintenance Calculation\) \(Amendment No. 2\) Regulations 2021 \(S.I. 2021/763\)](#), regs. 1(2), [3\(9\)](#)
- F19** [Sch. 5](#) inserted (13.12.2018) by [The Child Support \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/1279\)](#), regs. 1(2), [5\(4\)](#)

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

FORM OF ORDER OF DISQUALIFICATION FOR HOLDING OR OBTAINING A UNITED KINGDOM PASSPORT

Sections 39B to 39G of the Child Support Act 1991 and regulation 36 of the Child Support (Collection and Enforcement) Regulations 1992

Magistrates' Court

Date:

Liable Person:

Address:

A liability order ("the order") was made against the liable person by the [] Magistrates' Court on [] under section 33 of the Child Support Act 1991 ("the Act") in respect of an amount of [].

The Court is satisfied-

(i) that the Secretary of State sought under section 35 of the Act to take control of goods to recover the amount then outstanding in respect of which the order was made:

[and/or]

that the Secretary of State sought under section 36 of the Act to recover through [] County Court by means of [a third party debt order] [a charging order], the amount then outstanding in respect of which the order was made:

(ii) that such amount, or any proportion of it, remains unpaid; and

(iii) having inquired in the liable person's presence as to the liable person's means and whether there has been [wilful refusal] [culpable neglect] on their part.

the decision of the court is that the liable person be disqualified for [holding or obtaining] a United Kingdom passport from [date] for [period] unless the aggregate amount in respect of which this order is made is sooner paid.*

This order is made in respect of-

Amount outstanding (including any interest, fees, penalty payments, costs and charges):

Aggregate amount:

And you [the liable person] must surrender to the court any United Kingdom passport held.

Justice of the Peace

[or by order of the Court

Clerk of the Court]

*Note: The period of disqualification may be reduced as provided by section 39E(1)(a) of the Act if part payment is made of the aggregate

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

amount. The order will be revoked under section 39E(2) of the Act if full payment is made of the aggregate amount.]]

Changes to legislation:

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