

1992 No. 2643

FAMILY LAW

CHILD SUPPORT

**The Child Support (Collection and Enforcement of
Other Forms of Maintenance) Regulations 1992**

Made - - - - 26th October 1992
Laid before Parliament 29th October 1992
Coming into force - 5th April 1993

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 30(1), (4) and (5), 51 and 54 of the Child Support Act 1991(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations 1992 and shall come into force on 5th April 1993.

(2) In these Regulations—

“the Act” means the Child Support Act 1991;

“child of the family” has the same meaning as in the Matrimonial Causes Act 1973(b) or, in Scotland, the Family Law (Scotland) Act 1985(c); and

“periodical payments” includes secured periodical payments.

Periodical payments and categories of person prescribed for the purposes of section 30 of the Act

2. The following periodical payments and categories of persons are prescribed for the purposes of section 30(1) of the Act—

(a) payments under a maintenance order made in relation to a child in accordance with the provisions of section 8(6) (periodical payments in addition to child support maintenance), 8(7) (periodical payments to meet expenses incurred in connection with the provision of instruction or training) or 8(8) of the Act (periodical payments to meet expenses attributable to disability);

(b) any periodical payments under a maintenance order ►or, in Scotland, registered minutes of agreement◄ which are payable to or for the benefit of a spouse ►, civil partner, former spouse or former civil partner◄ who is the person with care of a child who is a qualifying child in respect of whom a child support ►maintenance calculation◄ is in force in accordance with which the Secretary of State has arranged for the collection of child support maintenance under section 29 of the Act; and

Words in reg. 2(b) inserted by reg. 44 of S.I. 1993/913 as from 5.4.93.
Words substituted in reg. 2(b) by para. 5 of Sch. 4 to S.I. 2005/2877 as from 5.12.05.
Words substituted in reg. 2(b) by reg. 3 of S.I. 2001/162 subject to savings provision in reg. 6 of that S.I. See reg. 1 of S.I. 2001/162 for relevant effective date.

(a) 1991 c. 48; see the definition of “prescribed” in section 54.

(b) 1973 c. 18.

(c) 1985 c. 37.

- (c) any periodical payments under a maintenance order payable to or for the benefit of a former child of the family of the person against whom the order is made, that child having his home with the person with care.

Collection and enforcement—England and Wales

3. In relation to England and Wales, sections 29(2) and (3) and 31 to ►40B◄ of the Act, and any regulations made under those sections, shall apply for the purpose of enabling the Secretary of State to enforce any obligation to pay any amount which he is authorised to collect under section 30 of the Act, with the modification that any reference in those sections or regulations to child support maintenance shall be read as a reference to any of the periodical payments mentioned in regulation 2 above, and any reference to a ►maintenance calculation◄ shall be read as a reference to any of the maintenance orders mentioned in that regulation.

Words substituted in reg. 3, 4(b) and 5 by reg. 3 of S.I. 2001/162, subject to the savings provision in reg. 6 of that S.I. See reg. 1 of S.I. 2001/162 for relevant effective date.

Collection and enforcement—Scotland

4. In relation to Scotland, for the purpose of enforcing any obligation to pay any amount which the Secretary of State is authorised to collect under section 30 of the Act—

- (a) the Secretary of State may bring any proceedings and take any other steps (other than diligence against earnings) which could have been brought or taken by or on behalf of the person to whom the periodical payments are payable; and
- (b) sections 29(2) and (3), 31 and 32 of the Act, and any regulations made under those sections, shall apply, with the modification that any reference in those sections or regulations to child support maintenance shall be read as a reference to any of the periodical payments mentioned in regulation 2 above, and any reference to a ►maintenance calculation◄ shall be read as a reference to any of the maintenance orders mentioned in that regulation.

Collection and enforcement—supplementary

5. Nothing in Regulations 3 or 4 applies to any periodical payment which falls due before the date specified by the Secretary of State by a notice in writing to the ►non-resident parent◄ that he is arranging for those payments to be collected, and that date shall be not earlier than the date the notice is given.

Signed by authority of the Secretary of State for Social Security.

26th October 1992

Alistair Burt
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30(1) of the Child Support Act 1991 enables the Secretary of State to arrange for the collection of prescribed kinds of periodical payments where they are payable to or for the benefit of someone who falls within a prescribed category and he is also arranging for the collection of child support maintenance.

These Regulations prescribe the kinds of payments which may be collected and the categories of persons to whom they are payable (regulation 2). Regulations 3 and 4 apply in relation to, respectively, England and Wales and Scotland. They apply various provisions of the Act relating to the collection and enforcement of child support maintenance to the periodical payments that may be collected under section 30(1), and also, in relation to Scotland only, enable the Secretary of State to bring any proceedings or take any other steps (other than diligence against earnings) which the person entitled to the payments could have brought or taken.

