
STATUTORY INSTRUMENTS

2016 No. 439

**The Child Support (Deduction Orders and Fees)
(Amendment and Modification) Regulations 2016**

Amendment of the Child Support Fees Regulations 2014

- 3.—**(1) The Child Support Fees Regulations 2014 are amended as follows.
- (2) In regulation 10 (the enforcement fee)—
- (a) the existing provision becomes paragraph (1);
 - (b) after paragraph (1) insert—
 - “(2) An enforcement fee of £50 is payable to the Secretary of State by a non-resident parent in a case where—
 - (a) regulation 12A(2) (waiver of a collection fee and an enforcement fee in certain segment 5 cases) is satisfied;
 - (b) the Secretary of State makes a determination that the payment arrangement referred to in regulation 12A(2)(c) is to end;
 - (c) the deduction from earnings order referred to in regulation 12A(2)(c)(ii) is varied on or after the date on which that determination is made; and
 - (d) that deduction from earnings order has not been varied previously on or after the date on which that determination is made.”.
- (3) In regulation 12 (waiver of an enforcement fee)—
- (a) in paragraph (1) after “10” insert “(1)”;
 - (b) after paragraph (1) insert—
 - “(1A) An enforcement fee payable under regulation 10(2) may be waived in the circumstances specified in paragraphs (4)(c) and (6).”;
 - (c) in paragraph (6) after “made” insert “, or a deduction from earnings request made against the non-resident parent is varied.”.
- (4) After Part 4 (enforcement fee) insert—

“PART 4A

Segment 5 cases

Waiver of a collection fee and an enforcement fee in certain segment 5 cases

- 12A.—**(1) A collection fee or an enforcement fee that becomes payable during the relevant period may be waived in a case that satisfies paragraph (2).
- (2) A case satisfies this paragraph where—

- (a) the person with care, non-resident parent and qualifying child were the person with care, non-resident parent (or absent parent) and qualifying child in relation to an existing case (“the previous case”) where—
- (i) notice has been given under regulation 5(2) (exercise of the choice as to whether or not to stay in the statutory scheme) of the Ending Liability Regulations specifying a liability end date determined in accordance with regulation 6(1)(b) (liability end date) of those Regulations;
 - (ii) on the date on which the notice was printed by the Secretary of State the case was a segment 5 case (which has the meaning given in the scheme prepared by the Secretary of State under regulation 3(1) (scheme in relation to ending liability in existing cases) of the Ending Liability Regulations (as revised from time to time)(1)); and
 - (iii) the notice was sent on or after 23rd May 2016;
- (b) an application for a maintenance calculation was made before the liability end date in respect of the previous case;
- (c) the Secretary of State has specified that payments of child support maintenance are to be made by—
- (i) a method of payment listed in regulation 3(1)(a) to (g) (method of payment) of the Child Support (Collection and Enforcement) Regulations 1992(2); or
 - (ii) a method of payment listed in regulation 3(1)(a) to (g) in respect of a portion of the child support maintenance payable and by deduction from earnings order (which has the meaning given in regulation 9 (interpretation of this Part)) in respect of a portion of the child support maintenance payable,
- for the purpose of enabling the non-resident parent to demonstrate that, without arrangements for collection or arrangements for enforcement of child support maintenance under the 1991 Act, payments will be made in accordance with the calculation (“the payment arrangement”); and
- (d) the first payment to be made in accordance with the payment arrangement is the first payment of child support maintenance due in the case.
- (3) In paragraph (1) the “relevant period” in relation to a case means the period—
- (a) beginning on the date on which paragraph 2 of Schedule 4 to the 2008 Act comes into force in relation to the case; and
 - (b) ending on the day on which the Secretary of State makes a determination that the payment arrangement is to end.
- (4) In this regulation—
- “the Ending Liability Regulations” means the Child Support (Ending Liability in Existing Cases and Transition to New Calculation Rules) Regulations 2014(3);
- “absent parent” has the meaning given in section 3(2) (meaning of certain terms) of the 1991 Act(4);

(1) The scheme is available on https://www.gov.uk/government/uploads/attachments_data/file/399522/child-maintenance-ending-liability-scheme-17-dec-2014.pdf. A paper copy may be obtained from the Department for Work and Pensions, Child Support, Level 7, Caxton House, Tothill Street, London, SW1H 9NA.

(2) Regulation 3(1) was amended by S.I. 2001/162, 2006/1520, 2008/2544.

(3) S.I. 2014/614; amended by S.I. 2014/1386.

(4) The substitution of the term “absent parent” with “non-resident parent” by section 26 of, and paragraph 11(1) and (2) of Schedule 3 to, the 2000 Act was partially commenced for the types of cases specified in article 3 of the Child Support, Pensions and Social Security Act 2000 (Commencement No.12) Order 2003 (S.I. 2003/192).

“child support maintenance” means child support maintenance calculated under Part 1 of Schedule 1 to the 1991 Act as amended by Schedule 4 to the 2008 Act;

“existing case” has the meaning given in paragraph 1(2) of Schedule 5 (maintenance calculations: transfer of cases to new rules) to the 2008 Act;

“liability end date” has the meaning given in regulation 6 (liability end date) of the Ending Liability Regulations.”.