

**DEDUCTIONS IN RESPECT OF CHILD SUPPORT
MAINTENANCE – FEES
INCOME SUPPORT, JOBSEEKER’S ALLOWANCE,
EMPLOYMENT AND SUPPORT ALLOWANCE &
STATE PENSION CREDIT**

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INTRODUCTION

1. This memo gives guidance on the introduction of the Child Support Fees Regulations (NI) 2014 (S.R. 2014 No. 182) and its effect on deductions from benefit in respect of Child Support Maintenance. This legislation will enable a charge to be made by the Child Maintenance Service in respect of application fees, collection and paying out fees and also enforcement fees. Fees will be charged when a parent wishes to remain in the statutory child support maintenance scheme and makes a new application to the 2012 scheme. Such fees come into force on 30.6.14¹.

¹ *The Child Maintenance (2008 Act) (Commencement No. 14 and Transitional Provisions) Order (NI) 2014; Child Support Fees Regulations (NI) 2014, reg 1(1)*

CONSEQUENTIAL AMENDMENTS

2. The Child Support Fees Regulations (NI) 2014 (S.R. 2014 No. 182) make consequential amendments to specified legislation¹ to enable deductions to be made from prescribed benefits, which include the collection fees payable by a Non Resident Parent. Although fees come into force 30.6.14, these consequential amendments do not come into force until 11.8.14².

Note: Charging will only apply to new applications made under the 2012 scheme.

1 SS (C&P) Regs (NI), Sch 8C; 2 Child Support Fees Regulations (NI) 2014, reg 1(2)

DEDUCTIONS FROM BENEFIT

Meaning of “Fee”

3. “Fee” means¹ any collection fee under specified legislation² which is payable by the Non Resident Parent.

1 SS (C&P) Regs (NI), Sch 8C, para 1; 2 Child Support Fees Regulations (NI) 2014, part 2

Deductions

4. DMG 33607, 46419 and 79893 advises that deductions in respect of maintenance may be made on behalf of a Non Resident Parent who is in receipt of a specified benefit, and paid to the Parent with Care in discharge of the Non Resident Parent’s liability to pay maintenance. This paragraph is now amended to also provide for the deduction of fees and that any amount deducted in respect of fees may be retained in discharge of the Non Resident Parent’s liability to pay that fee¹.

1 SS (C&P) Regs (NI), Sch 8C, para 2(1)

5. Fees are now added to DMG 33608, 46420 & 79894. These paragraphs are amended to ensure that a deduction of maintenance and fees may only be made from one specified benefit in any one benefit week¹.

1 SS (C&P) Regs (NI), Sch 8C, para 2(2)

Arrears

6. The amount of arrears which may be deducted from the Non Resident Parent’s specified benefit and paid to the Parent with Care (see DMG 33611, 46424, and 79898) is increased from £1.00 to £1.20 per week. Amendment is also made to these paragraphs to allow for any amount deducted in discharge of any liability to pay a fee, to be retained¹.

Note: Deductions will not be made in respect of arrears of child maintenance under the 2012 scheme.

1 SS (C&P) Regs (NI), Sch 8C, para 3(1)

Apportionment

7. Where maintenance is payable to more than one Parent with Care¹, DMG 33615, 46428 and 79905 are amended so that the amount deducted in respect of maintenance is apportioned between the persons with care in accordance with specified legislation².

1 SS (C&P) Regs (NI), Sch 8C, para 4; 2 CS (NI) Order 91, Sch 1, paras 6, 7 & 8

Claimant and partner both liable to pay maintenance

8. DMG 33620, 46430 and 79907 advises on deductions where the claimant and partner are both liable to pay maintenance. The provision for the deduction of fees is added to this guidance. Provision is also made that such fees may be retained in discharge of any liability to pay that fee.

1 SS (C&P) Regs (NI), Sch 8C, para 5(2)

Polygamous marriages

9. DMG 33621, 46434 and 79911 advises on deductions where two or more members of a polygamous marriage are each liable to pay maintenance. The provision for the deduction of fees is added to this guidance. Provision is also made that such fees may be retained in discharge of any liability to pay that fee.

1 SS (C&P) Regs (NI), Sch 8C, para 6(2)

ANNOTATIONS

Please annotate the number of this memo (DMG Memo Vol 6/86, 8/60 & 13/60) against the following DMG paragraphs:

33607, 33608, 33611, 33615, 33620, 33621, 46419, 46420, 46424, 46428, 46430, 46434, 79893, 79894, 79898, 79905, 79907 & 79911.

CONTACTS

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